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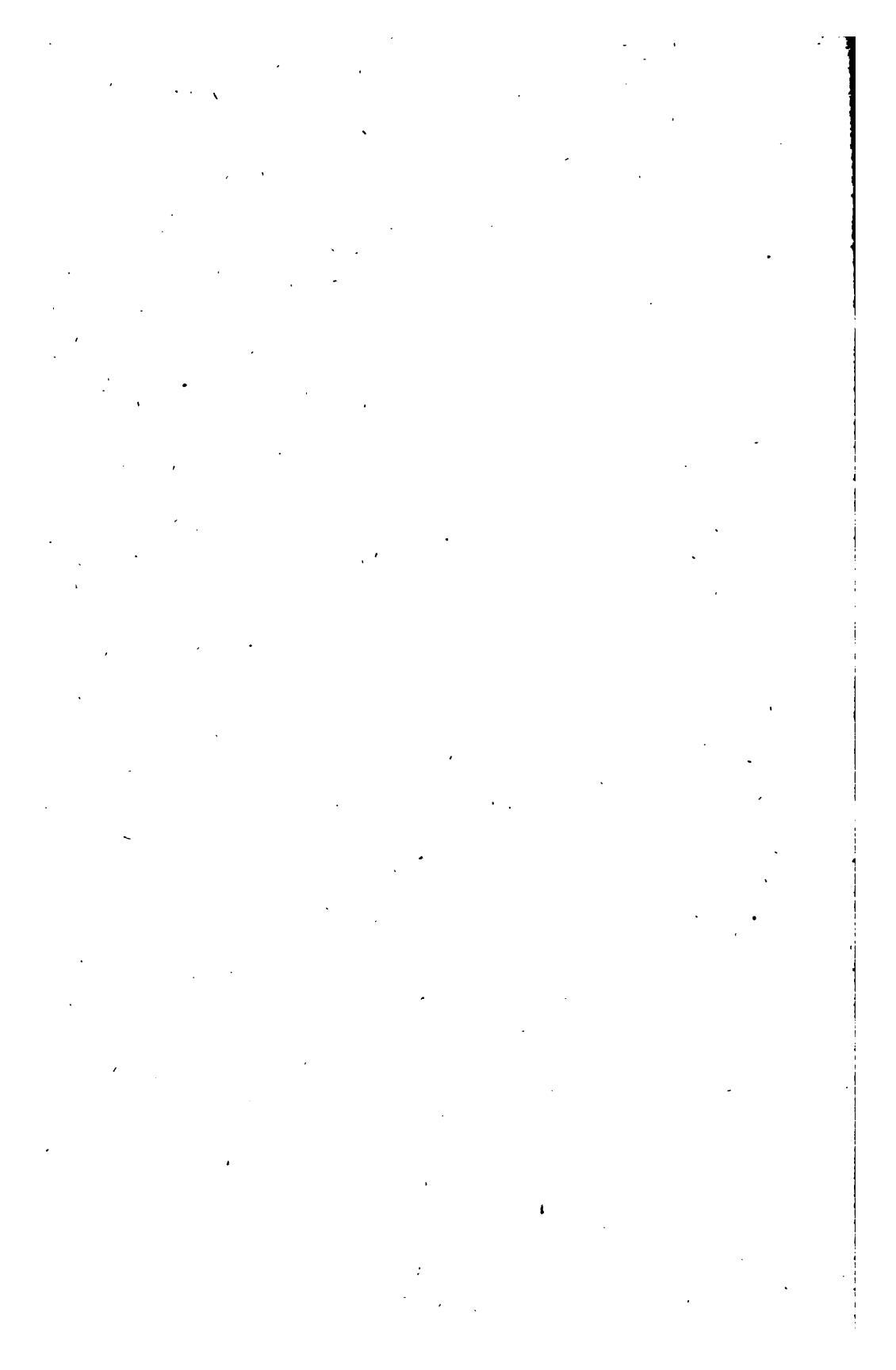
Commonwealth of Kentucky

PASSED AT A

**REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS BEGUN
AND HELD ON TUESDAY, THE SEVENTH DAY OF
JANUARY, NINETEEN HUNDRED AND TWO.**

PROPERTY OF THE STATE OF KENTUCKY.

**LOUISVILLE, KY.
GEO. G. FETTER PRINTING Co.
1902.**



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amend and re-enact section nineteen of an act, entitled An act relating to revenue and taxation, approved November eleventh, eighteen hundred and ninety-two, as amended by section two, chapter forty-five, of the Session Acts of eighteen hundred and ninety-four, the same being section four thousand one hundred and forty-seven of the Kentucky Statutes," which was approved March seventeenth, eighteen hundred and ninety-six. And as amended by an act, entitled "An act to amend and re-enact section one of an act, entitled An act regulating revenue and taxation, approved November eleven, eighteen hundred and ninety-two," approved May, eighth, eighteen hundred and ninety-seven, and as amended by an act, entitled "An act to amend section four thousand one hundred and fifty-one of article seven, chapter one hundred and eight, revenue and taxation, Kentucky Statutes (General Statutes, 1078), acts eighteen hundred and eighty-six." Approved May twelfth, eighteen hundred and ninety-seven, and amended by an act, entitled "An act to amend an act, entitled An act to regulate the assessment of property for taxation and the payment thereon belonging to non-residents of the counties in which the same is situated, approved March nineteenth, eighteen hundred and ninety-four," which was approved March seventeenth, nineteen hundred, and as amended by an act, entitled "An act relating to the taxation of the shares of stock of national banks, being chapter twenty-three of the Session Acts of nineteen hundred, approved March twenty-first, nineteen hundred, so that said act of November eleventh, eighteen hundred and ninety-two, and as amended by the above-stated subsequent acts and amendments thereto, as now amended and re-enacted, will read as follows	282
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LAWS OF THE STATE OF KENTUCKY,

PASSED AT A REGULAR SESSION OF THE GENERAL ASSEMBLY
WHICH WAS BEGUN AND HELD IN THE CITY OF FRANK-
FORT ON TUESDAY THE SEVENTH DAY OF JAN-
UARY, NINETEEN HUNDRED AND TWO.

CHAPTER 1.

AN ACT to put the State Banks and Trust Companies on the same footing with the National Banks of this State in reference to the over-payment of taxes.

WHEREAS, A number of State and National banks and trust companies of this State for several years, beginning with the year eighteen hundred and ninety-three, have paid into the Treasury of this State taxes under and in accordance with the Revenue Act of eighteen hundred and eighty-six, known as the Hewitt law, under which they were, except to a limited extent, given immunity from local taxation; and,

WHEREAS, The Court of Appeals decided that all banks and trust companies which had accepted the provisions of the Hewitt law were bound, under pain of forfeiting their respective charters, to pay thereunder; and,

WHEREAS, It was finally decided by the Supreme Court that the Revenue Act of November eleventh, eighteen hundred and ninety-two, had superseded the Hewitt act as to all but a limited number of banks; and,

State banks and
trust companies on
same footing with
national banks in
reference to the
overpayment of
taxes.

WHEREAS, Under this decision, the banks and trust companies of this State, with the small exception aforesaid, were compelled for all the years since and including eighteen hundred and ninety-three, to pay local taxes from which the Hewitt law exempted them, and to secure which exemption they paid more than was due to the State; and,

WHEREAS, By an act of the General Assembly of this State, approved March twenty-first, nineteen hundred, entitled "An act relating to taxation of the shares of stock of national banks," restitution is made to the national banks of the difference between what they had paid to the State under the Hewitt act and what they should have paid under the general revenue law of the State, if they had been liable to pay under that law; and,

WHEREAS, It is now deemed no more than just that the banks and trust companies shall be refunded the amount or taxes improperly paid to the State, thereby placing them upon the same footing of the national banks; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Banks entitled to credit.

§ 1. That wherever any State bank or trust company has, for any year or years, paid State taxes under the Hewitt law in excess of the State taxes required by the general revenue law of this State for the same year or years, said bank shall be entitled to credit, and it shall be the duty of the Auditor to allow said bank or trust company credit by said excess upon State taxes hereafter required to be paid under the general revenue law,

Requirements as to local taxes

Provided, That no bank or trust company shall be entitled to the benefits or privileges of this act until all legal demands against same for local taxes have been adjusted; and proof of payments or adjustments shall be filed with

the Auditor before any bank or trust company shall be entitled to the credits or payments provided for by this act.

§ 2. That wherever any State bank or trust company having paid said excess into the Treasury of the State has since gone into liquidation, the Auditor shall ascertain said difference, and draw his warrant therefor on the Treasurer in favor of the liquidating officer or officers in charge of said bank or trust company.

Banks having
gone into liquida-
tion.

Approved February 19, 1902.

CHAPTER 2.

AN ACT to amend an Act entitled "An Act for the government of cities of the first class, approved July 1, 1893, for the better government, administration and disposition and discipline of the fire department, and to create and perpetuate a pension fund for disabled firemen, their widows and children and dependent fathers and mothers, and to create and perpetuate a board of trustees for the management and conduct thereof, and to pension members thereof after service of a term of years."

An act amending
an act approved
July 1, 1893 con-
cerning cities of
the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend an act entitled 'An act for the government of cities of the first class,' approved July the first, eighteen hundred and ninety-three, for the better government, administration, disposition and discipline of the Fire Department, and to create and perpetuate a pension fund for disabled firemen, their widows and dependent children, fathers and mothers, and to create and perpetuate a Board of Trustees for the management and conduct thereof, and to pension members after

Creating pension
fund for disabled
firemen.

Board of trustees.

service of a term of years," approved March sixteenth, nineteen hundred, be, and the same is, now repealed.

§ 2. That an act entitled "An act for the government of cities of the first class," approved July the first, eighteen hundred and ninety-three, be amended by adding thereto the following:

Board of Public Safety to make rules. § 3. That the government, administration, disposition and discipline of the Fire Department, and the officers, members and employes thereof, shall be such as the Board of Public Safety may, and is hereby authorized from time to time by rules, orders, and regulations not in conflict with this act, to prescribe.

Board to determine charges, etc. § 4. The Board of Public Safety is authorized and empowered to make, adopt and enforce rules, orders and regulations, not in conflict with this act, for the government, discipline, administration, and disposition of the Fire Department, and the officers, members and employes thereof. The board shall have power, and it is authorized,

When members of Fire Department may be removed. to adopt rules and regulations for the examining, hearing, investigation, and determining of charges made or preferred against members of the Fire Department or employes thereof; but no officer, member, or employe thereof (except as provided in this act) shall be fined, reprimanded, removed, suspended, or dismissed from the Fire Department until written charges have been made or preferred against him or them, nor until such charges have been examined, heard and investigated before said board, upon such reasonable notice to the member or members charged, and in such manner of procedure, practice, examination, and investigation as the said Board of Public Safety may, by rules and regulations, from time to time prescribe: *Provided, however,* That any officer, member or employe of the Fire Department who is now or may hereafter become insane or of unsound mind, so as to be unable or unfit to perform full fire service or duty, may be re-

moved or dismissed from the Fire Department by resolution of the Board of Public Safety.

A copy of the rules and regulations, or any or either of them, of the Fire Department or Board of Public Safety, may, when certified by the chairman or president of said board, and the chief clerk of said Fire Department or Board of Public Safety, be given in evidence upon any trial, investigation, hearing or proceeding of any court or before any tribunal commissioner or commissioners, board or competent body, with the same force and effect as the original.

§ 5. The Board of Public Safety shall have power to issue subpoenas, attested in the name of the chairman or president, to compel the attendance of witnesses upon any proceeding authorized by law or its rules and regulations. The Board of Public Safety is hereby authorized and empowered to investigate, take evidence, and hear any charge or charges made or preferred against any member or members of the Fire Department, but no judgment or other determination shall be rendered or pronounced, dismissing, removing, or suspending any officer, member, or employe of said Fire Department, or imposing any fine or forfeiture, unless a majority of the Board of Public Safety shall concur.

§ 6. The Board of Public Safety may, from time to time, establish, provide, and furnish engine houses, and shall also provide and furnish such accommodations, apparatus, and articles, and provide for the care thereof as shall be necessary for the Fire Department and the transaction of the business of said department. The Board of Public Safety is hereby authorized and empowered to furnish all kinds of apparatus, wagons, horses and other necessary equipments, for such houses. Which apparatus, wagons, horses and other necessary equipments shall be under the control

*Copy of rules
as evidence.*

*Board authorized
to investigate.*

*Majority shall
concur.*

*Necessary equip-
ments; how furn-
ished—*

Control of.

and care of said Fire Department, and for the exclusive use thereof.

Officers of Fire Department. § 7. The Fire Department shall consist of one chief, whose salary shall not be less than three thousand and five hundred dollars per year; one secretary for the Fire Department, whose salary shall not be less than one thousand and eight hundred dollars per year; assistant chiefs of firemen, not exceeding in number one to each six companies in active service, and the salary of each assistant chief shall not be less than one thousand and eight hundred dollars per year; one captain for each fire company whose salary shall not be less than ninety-five dollars per month; one chief operator for the fire alarm telegraph whose salary shall not be less than one thousand and five hundred dollars per year; one master mechanic or superintendent of machinery, whose salary shall not be less than one hundred dollars per month; one driver for each apparatus in service, whose salary shall not be less than two dollars and twenty-five cents per day; one stoker for each steam fire engine in service, whose salary shall not be less than two dollars and twenty-five cents per day; one engineer for each steam fire engine in service, whose salary shall not be less than ninety dollars per month; not less than two pipemen for each steam fire engine company, the salary of each not to be less than two dollars and fifty cents per day; seven ladder-men for each hook and ladder company, the salary for each to be not less than two dollars and fifty cents per day; not less than two tower men for each water tower company, whose salary shall not be less than two dollars and fifty cents per day; not less than two pipemen for each combination chemical and hose company, the salary of each not to be less than two dollars and fifty cents per day; not less than two hydrant men, each of whom shall receive a salary of not less than two dollars and fifty cents per day; no less than four fire alarm operators, the salary of each to be not less than two dollars and fifty cents per day; one

Salaries.

aid to the chief, whose salary shall be no less than two dollars and fifty cents per day; one foreman of repair shop, whose salary shall not be less than ninety dollars per month; not less than one employe, who shall be a mechanic, of the repair shop, whose salary shall not be less than two dollars and fifty cents per day; no less than one Fire Department painter, whose salary shall be no less than two dollars and fifty cents per day; not less than two pipemen for each chemical engine company, the salary of each not to be less than two dollars and fifty cents per day; not less than four linemen for fire alarm telegraph, each to receive a salary of not less than two dollars and fifty cents per day; no less than one battery-man, whose salary shall not be less than two dollars and fifty cents per day. There shall not be less than one harness maker, whose salary shall be not less than two dollars and fifty cents per day. There shall be not less than one substitute fireman for each company.

§ 8. The Board of Public Safety may, upon the recommendation of the chief of firemen, increase the number of firemen to such number as may, in his or their wisdom, be necessary to the efficiency of said department. May increase number of firemen.

§ 9. The Board of Public Safety shall appoint all officers, members and employes of the Fire Department. No person shall be eligible to serve as chief of firemen or assistant chief of firemen, who has not been a member of said department continuously for five years previous to his appointment or election. Chief and Assistant Chief—eligibility.

No person shall be a captain of any fire company who has not been a member of said department for three years, one year of which shall have been continuously previous to his appointment. All promotions in the Fire Department shall be for merit, such promotions to be made only upon recommendation of the chief of firemen. Captain—eligibility—promotion.

§ 10. The Board of Public Safety shall have power in its

Violation of
rules, etc.

discretion, on conviction by said board, or by any court or officer of competent jurisdiction, of any officer, member or employe of the Fire Department, of any legal or criminal offense, or neglect of duty, violating of rules, or neglect or disobedience of orders, or absence without leave, or conduct unbecoming an officer, member or employe, or other breach of discipline, to punish the offending party by reprimand, forfeiting and withholding pay for a specified time, suspension without pay during such suspension, or by dismissal from the force; but not more than thirty days' pay or salary may be forfeited or deducted for any offense.

Board may de-
duct pay.

§ 11. The board is also authorized and empowered, in their discretion, to deduct and withhold pay, salary, or compensation from any officer, member or employe of the Fire Department for or on account of absence for any cause without leave, sickness, or other disability, physical or mental. Said board is authorized from time to time make and prescribe rules and regulations to carry into effect and enforce the provisions of this section.

When dismissed
without notice.

§ 12. Absence without leave, or without total disability of any officer, member, or employe of the Fire Department for five consecutive days shall be deemed and held to be a resignation, and the members so absent shall, at the expiration of said period, cease to be an officer, member or employe of the Fire Department, and be dismissed therefrom without notice. No leave of absence shall be granted or allowed any officer, member, or employe of the Fire Department without the recommendation or approval of the chief of said department.

§ 13. The Board of Public Safety shall designate the salary and compensation of any other persons than those mentioned in this act whom they shall be authorized by law to employ, subject, however, to the gross amount of the appropriation made by the General Council for the support of said department. Compensation of the officers,

members and employes of the Fire Department shall be payable monthly by pay-roll, as provided by ordinance. Salary payable monthly.

§ 14. No officer, member, or employe of the Fire Department shall be liable to military or jury duty, or to arrest on civil process, nor to be served with subpoenas from civil courts while on duty at a fire.

§ 15. The officers, members and employes of the Fire Department, with their apparatus of all kinds when on duty, Military or jury duty—civil process. shall have the right of way at any fire and in any highway, street or avenue, over any and all vehicles of any kind, except those carrying United States mails, and any person in or upon or owning any vehicle, who shall refuse the right of way, or in any way willfully obstruct any fire apparatus, or any of its said officers, members or employes while in the performance of their duties, shall be guilty of a misdemeanor, and liable to punishment for the same. Right of way.

§ 16. There shall be organized in connection with said department a board to be known as the Board of Trustees of the Firemen's Pension Fund, which shall be composed of the Mayor, Chairman of Board of Safety, City Treasurer, Chief Fireman and Comptroller, and said board shall select from their number a president and a secretary. The City Treasurer shall be *ex officio* treasurer of said board and the funds coming into his hands. Board of Trustees.

§ 17. There may be levied and set apart by the General Councils of cities of the first class a tax for the year nineteen hundred and three, not exceeding one cent on each one hundred dollars of value of the taxable property in said cities for said year as a fund for the pensioning of crippled and disabled members of the Fire Department, and of the widows and dependent children under the age of fourteen years, and dependent fathers and mothers of deceased members of the Fire Department of said cities, and a like tax may be levied and set apart for the same purpose, for any succeeding year when the Tax levied.

amount and value of property to the credit of the Firemen's Pension Fund falls below three hundred thousand dollars as of the date of the first of September, preceding; that is, if, during any year succeeding nineteen hundred and two, there shall be to the credit of the Firemen's Pension Fund on September 1, property and funds of less value than three hundred thousand dollars, then the General Council of cities of the first class may levy and set apart for the year succeeding a tax of one cent on each one hundred dollars of value of the taxable property in said cities where said condition occurs for said year as a fund for the purposes herein defined. And all moneys withheld from the officers, members or employes of the Fire Department as punishment for any breach of discipline, misconduct or violation of the rules and regulations for said department shall be paid into said fund each month and credited upon the pay-roll of the department, payable to said fund for that purpose; and all fines imposed by the Board of Public Safety upon officers, members or employes of the Fire Department, by way of discipline, and collectible from pay or salary, and all rewards, fees, proceeds of gifts and emoluments that may be paid or given on account of extraordinary service of any officer, member or employe of the department (except when specially allowed by the Board of Public Safety to be retained by such members) shall be paid into the treasury to the credit of the Firemen's Pension Fund. The payment so made, together with the tax levy aforesaid, shall constitute and be kept as a fund to be called the Firemen's Pension Fund, and the said board heretofore designated is hereby declared to be the trustee of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the objects of the said fund; and

Moneys paid in
to pension fund.

May invest pen-
sion fund.

they are empowered to make all the necessary contracts and to take all the necessary remedies in the premises.

§ 18. Said board shall have exclusive control and management of the said fund, and all moneys donated, paid, or assessed for the relief or pensioning of disabled members of the Fire Department, their widows and dependent children under the age of fourteen years, or dependent fathers or mothers, and may assess each member of the Fire Department one per centum of the salary of such member, to be deducted and withheld from the monthly pay of each member so assessed, the same to be placed by the treasurer of each city to the credit of such fund, subject to the order of such board.

Board shall have
exclusive control.

§ 19. The said board shall have all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this act, and its decision on such applications shall be final and conclusive, and not subject to revision or reversal, except by said board, and a record shall be kept of all the meetings and the proceedings of said board.

Assessment of
members.

§ 20. The said Board of Trustees shall have power to draw such pension fund from the treasury and may invest the same, or any part thereof, in the name of the Board of Trustees of the Firemen's Pension Fund, in interest-bearing bonds of the United States or the State of Kentucky, or any city of the first class in the State of Kentucky, and all such securities shall be deposited with the treasurer of said city as *ex officio* treasurer of said board, and shall be subject to the order of said board.

How funds to be
invested.

§ 21. Both the principal and interest of said pension fund shall be applicable to the payment of pensions under the act.

§ 22. If any officer, member or employe of the Fire Department, while in the performance of his duty, becomes

Payment of dis-
abled firemen.

temporarily, totally disabled, physically or mentally for service by reason of service in such department, the Board of Trustees shall order the payment to such disabled officer, member or employe, monthly, during such disability, not to exceed one year from such pension fund a sum equal to the monthly compensation allowed such officer, member or employe as salary at the date of his disability, provided such officer, member or employe, during the same period, is paid no salary as such officer, member or employe. If any officer, member or employe of the Fire Department, while in the performance of his duty, becomes mentally or physically permanently disabled by reason of service in such department, so as to render necessary his retirement from service in said department, said Board of Trustees shall retire such disabled member from service in such Fire Department. *Provided*, No such retirement on account of disability shall occur unless said member has contracted said disability, while in the service of

When permanently disabled.

said Fire Department; and upon such retirement the Board of Trustees shall order the payment to such disabled member of such Fire Department, monthly, from such pension fund, a sum equal to one-half of the monthly compensation allowed to such officer, member or employe as salary at the date of his retirement. If any member of said Fire Department shall, while in the performance of his duty, be killed, or die as the result of an injury received in the line of his duty, or of any disease contracted by reason of his occupation, or shall die from any cause whatever as the result of his services in said department, and while in said service, or after having served in the department for fifteen consecutive years shall die while in the service or on the retired list from any cause, and shall leave a widow, or child or children under the age of fourteen years, or, if unmarried and childless, shall leave a dependent father or mother surviving, said Board of Trustees shall direct the payment from said pension fund,

When killed.

monthly, to such widow, while unmarried, of thirty dollars, and for each child until it reaches the age of fourteen years, six dollars, and to the dependent father and mother, if said deceased member was unmarried and childless, thirty dollars, the pension to the father and mother to be paid as follows: If the father be dead, the mother shall receive the entire thirty dollars, and if the mother be dead, the father shall receive the entire thirty dollars, and if both be living, each shall receive fifteen dollars.

§ 23. If, at any time, there shall not be sufficient money in such pension fund to pay each person entitled to the benefit thereof, the amount per month as herein provided, then an equal percentage of such monthly payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries

When fund not
sufficient to pay.

§ 24. Any member of the Fire Department of such cities having served twenty years or more consecutively in such Fire Department may make application to be relieved from such Fire Department, and if his application is granted, the said Board of Trustees shall order and direct that such persons be paid a monthly pension equal to one-half the amount of the salary said person is or was in receipt of as a member of said department at the time of granting application.

May be relieved
after twenty
years' service.

§ 25. Whenever an active or retired fireman shall die as aforesaid, the Board of Trustees may appropriate from the fund a sum not exceeding one hundred dollars to the widow or family for funeral expenses, and may expend a sum not exceeding fifty dollars for the expenses of the attendance of the firemen at said funeral.

Funeral expenses.

§ 26. No person shall be entitled to receive any pension from the said fund except a regularly retired member or a regular member in said Fire Department, his widow and children under the age of fourteen years, and his dependent father or mother.

Custodian of
pension fund.

§ 27. The treasurer of the Board of Trustees shall be the custodian of said pension fund, and shall secure and safely keep the same, subject to the control and direction of the board, and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the board and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city, with good and sufficient surety, in such penal sum as

Treasurer to ex-
ecute bond.

the board shall direct, to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truthfully account for all moneys and properties which may come into his hands as such treasurer, and that, upon the expiration of his term of office, he will surrender and deliver to his successor all bonds, securities, and all unexpended moneys or other properties which may have come into his hands as treasurer of said fund. Said bond shall be filed in the office of the comptroller as other bonds, and may be sued on in the name of said city, for the use of said board or in the name of said board, or any person or persons injured by a breach thereof.

Warrants on
treasurer—how
drawn.

§ 28. It shall be the duty of such officer or officers of the city as are designated by law to draw warrants on the treasurer of said city, on request in writing by said Board of Trustees, to draw warrants on the treasurer of said city payable to the treasurer of said Board of Trustees for all funds belonging to said pension fund as aforesaid.

Moneys ordered
to be paid—en-
tered of record.

§ 29. All moneys ordered to be paid from said pension fund to any person or persons shall be paid by the treasurer of the Board of Trustees only upon warrant signed by the president of said board and countersigned by the secretary thereof, and no warrant shall be drawn except by order of the board after having been duly entered on the records of the proceedings of the board.

§ 30. The Board of Trustees shall make a report to the General Council of said city of the condition of said pension fund, on the last meeting night in August in each and every year.

Yearly report.

§ 31. No portion of said pension fund shall, before or after its order for distribution by the Board of Trustees to the persons entitled thereto, be held, seized, taken, subjected to or detained or levied upon by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever issued out of or by any court of this State for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand or judgment against the beneficiary of said fund; but said fund shall be held and distributed for the purposes of this act, and for no other purpose whatever.

Pension fund not
liable for debt.

§ 32. It shall be the duty of the attorney for cities of the first class to give advice to the Board of Trustees of the Firemen's Pension Fund in all matters pertaining to their duties and management of said fund whenever thereunto requested, and he shall represent and defend said board as its attorney in all suits or actions at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined upon by said board.

City attorneys—
duty of.

§ 33. All persons who are now on the pension roll receiving pensions from the Firemen's Pension Fund as now constituted shall be continued on the pension roll under this act and shall receive pensions hereafter of like amount, and under like limitations as they now respectively enjoy.

Pensions con-
tinued.

Approved February 19, 1902.

CHAPTER 3.

AN ACT to amend an act providing for a Custodian of Public Buildings, for the capitol, its wings, and the Governor's Mansion and grounds thereof, defining his duties and fixing his salary.

Be it enacted by the General Assembly of the Commonwealth total amount of Kentucky

That sections one, five and six of an act, providing for a Custodian of Public Buildings for the Capitol, its wings, and the Governor's mansion and grounds thereof, defining his duties, and fixing his salary, which became a law without the approval of the Governor, March twelfth, eighteen hundred and ninety-eight, be and they are hereby repealed. Said sections one, five and six are as follows:

Pertaining to
Custodian of Pub-
lic Buildings at
Frankfort.

§ 1. That a Custodian of Public Buildings, for the capitol building and its wings, and the Governor's mansion shall be elected by the judges of the Court of Appeals as soon as this act shall go into effect, who shall hold his office for the term of four years, and until his successor is elected and qualified.

§ 5. He shall annually report to the Court of Appeals the amount total he has authorized to be spent, to whom it was chargeable, and for what expended, and every two years he shall make a similar report to the Legislature.

Amending sec-
tion 3942 "a" Ky.
Statutes.

§ 6. He shall receive for his compensation the sum of twelve hundred dollars per year, payable monthly, and at the end of each month the Auditor shall draw his warrant in his favor for the amount due for that month. He shall give bond to the Commonwealth of Kentucky in the sum of five thousand dollars for the faithful discharge of his duties, which bond shall be approved by the Chief Justice of the Court of Appeals and two other Judges, and said act is hereby amended by inserting therein the following:

§ 1. That a Custodian of Public Buildings, for the capitol

and its wings, and the Governor's mansion shall
be held by the Sinking Fund Commissioners on the
th day of February, nineteen hundred and two,
to hold his office for the term of four years, and
successor is elected and qualified.

Sinking Fund
Committee to
elect.

He shall annually report to the Auditor of Public
the amount total he has authorized to be spent,
chargeable, and for what expended, and every two
he shall make a similar report to the Legislature.

Annual report.

He shall receive for his compensation the sum of
hundred dollars per year, payable monthly, and at
end of each month the Auditor shall draw his warrant
favor for the amount due for that month.

compensation.

He shall give bond to the Commonwealth of Kentucky
the sum of five thousand dollars for the faithful dis-
charge of his duties, which bond shall be approved by the
Sinking Fund Commissioners.

Bond.

Is there will be a vacancy in the office of Custodian of
Public Buildings, and it is necessary that said office shall
remain vacant, an emergency is hereby declared to ex-
and this act shall take effect from its passage.

Emergency
clause.

Approved February 24, 1902.

CHAPTER 4.

Amending section
4637 Ky.
Statutes.

AN ACT to amend and revise an act and amendment thereto, entitled "An Act to authorize the appointment of official stenographic reporters in counties containing a population of seventy-five thousand or over," which became a law July 13, 1893.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act entitled "An act to authorize the appointment of official stenographic reporters in counties containing a population of seventy-five thousand or over," which became a law, July thirteenth, one thousand eight hundred and ninety-three, and the amendment to said section, which was approved May twenty-one, one thousand eight hundred and ninety-seven, be and the same are hereby repealed, and in lieu thereof the following is enacted as section one of said act:

Official stenographer—how appointed.

"The judges of the circuit court of each judicial district of this Commonwealth, or the judge of any division of said court may, in his discretion, appoint an official stenographic reporter for such court or division, and if said judicial district embraces more than one county, he may appoint an official stenographic reporter for each county or any counties in his district, who shall be skilled in the profession, and who shall hold office for a period of four years, or until his successor is appointed and qualified, unless sooner removed at the pleasure of the judge of said court or division, or for other cause shown as herein-after provided.

That section three of said act be amended by adding at the end thereof the following: "And at the same time shall cause a full and accurate carbon copy of the transcript of testimony to be made which copy shall be filed

with the papers and remain in the office of the clerk of the court as a public record."

And for said carbon copy in civil and criminal cases the reporter shall be allowed one-fifth the amount he is allowed for the original, to be paid for in the same manner as the original, so that said section shall read as follows:

"Upon any trial or proceeding in any civil case in said court or division, if either party to the suit, or their attorney, shall request the services of said reporter, or if, in the opinion of the presiding judge, the testimony should be preserved, the presiding judge shall direct such reporter to make a full report of the testimony heard therein, whereupon it shall be the duty of the reporter to take full stenographic notes of such testimony, and upon the motion of either party to the suit or proceeding or their attorney, to cause a full and accurate transcript of the same to be made, which shall be filed among the papers to be used in making up the bill of exceptions to the Court of Appeals, and at the same time shall cause a full and accurate carbon copy of the transcript of testimony to be made, which copy shall be filed with the papers, and remain in the office of the clerk of the court as a public record. And for said carbon copy in civil and criminal cases, the reporter shall be allowed one-fifth the amount he is allowed for the original, to be paid for in the same manner as the original.

Fee for carbon copy.

Duty of stenographer.

That section four be amended as follows: By inserting after the words "the presiding judge may, in his discretion, order a full report, of the testimony and a transcript thereof," the words, "and a carbon copy of said transcript, which carbon copy shall remain in the office of the clerk of the court as a public record," so that said section shall read as follows: Upon the trial of any criminal proceedings in such court or division, if the Commonwealth's Attorney or the accused through his attorney, shall request

the services of said reporter, the presiding judge may, in his discretion, order a full report of the testimony and a transcript thereof, and a carbon copy of said transcript, which carbon copy shall remain in the office of the clerk of the court as a public record, whereupon it shall be the duty of said reporter to take full shorthand notes of such testimony and to make such transcript thereof as he may be directed to make by the judge of said court, which transcript may be used in making up the bill of exceptions to the Court of Appeals.

Approved February 28, 1902.

CHAPTER 5.

Repealing section 98 of act approved July 1, 1893, and February 24, 1894, being section 2860 Ky. Statutes.

AN ACT to repeal section 98 of an act entitled "An Act for the government of cities of the first class," approved July 1, 1893, and an amendment thereto, approved February 24, 1894, and abolishing the office of wharfmaster of the city of Louisville thereby created.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section ninety-eight of an act, entitled "An act for the government of cities of the first class," approved July one, one thousand eight hundred and ninety-three, and amended by an act of the General Assembly, approved February twenty-four, one thousand eight hundred and ninety-four, which section reads as follows:

Abolishing office of wharfmaster. "The wharves and landings shall be under the care and control of the Sinking Fund Commissioners, who shall fix and receive reasonable charges, to be paid for the use of the same. They shall keep the said wharves and landings in order, and shall employ and fix the compensation of all

persons employed in connection with the care and control of the same. Said wharves and landings shall be under the immediate care and control of a wharfmaster, elected by said Sinking Fund Commissioners, who shall prescribe his duties and fix his compensation, which shall not exceed two thousand five hundred dollars per annum. The present wharfmaster shall hold his office during the term for which he was elected, and at the expiration of his term, and every four years thereafter, a wharfmaster shall be elected. Said Commissioners shall have power to fill any vacancy occurring in said office. The said Commissioners shall have power to lease and receive the rentals from any portion of the wharf property not needed for wharf purposes for the time being; but all leases shall provide for their cancellation whenever the property leased is, in the judgment of the Commissioners, required for wharf purposes," be, and the same is hereby, repealed, and the office of wharfmaster thereby created is hereby abolished.

§ 2. Inasmuch as there is an uncertainty in the management and control of the wharves and the revenues therefrom in the cities of the first class, an emergency exists, and is hereby declared, and this act shall take effect from and after its approval by the Governor.

Emergency clause.

Approved February 28, 1902.

CHAPTER 6.

Amending act
approved July 1,
1893.

AN ACT to amend an act entitled, "An Act for the government of cities of the first class," approved July 1, 1893, relating to wharves and landings of cities of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Wharfs and
landings in cities
of first class.

§ 1. That the wharves and landings of cities of the first class shall be under the care and control of the Board of Public Works of said city, who shall fix and receive reasonable charges to be paid for the use of the same. They shall keep the said wharves and landings in order, shall employ and fix the compensation of all persons employed in connection with the care and control of the same; and said wharves shall be under the immediate care and control of a superintendent of public wharves and an assistant superintendent of such wharves, to be appointed by the said Board of Public Works, who shall prescribe the duties of said officers and fix their compensation as follows: The compensation of the superintendent of public wharves shall be not exceeding two thousand five hundred dollars per annum, and the salary of the assistant superintendent shall not be exceeding one thousand two hundred dollars per annum. The said Board of Public Works shall appoint said officers as soon as practicable after the taking effect of this law, and the said Board of Public Works, shall have power to fill vacancies occurring in either of said offices.

§ 2. The said Board of Public Works shall have the power to lease and receive the rentals from any portion of the wharf property not needed for wharf purposes for the time being; but all leases shall provide for their cancellation whenever the property leased, is, in the judgment of the said board, required for wharf purposes.

§ 3. All moneys that shall be collected for the use of wharves, landings and leases, or any part of wharf property not needed for wharf purposes, and all other money or moneys received by the superintendent of public ^{Moneys collected.} wharves from said wharves, landings and leases, shall be paid into the treasury of the city at the end of each and every week, and placed by the treasurer to the credit of wharves. The salaries and expenses of operating the wharves and landings shall be paid out of said fund; and the net revenue derived from said wharves, landings and lease holds, shall be placed by the city treasurer annually to the credit of the general purposes fund. ^{Paid to treasurer.}

§ 4. Inasmuch as doubt exists as to the extent of authority and right with respect to the revenues from the ^{Emergency clause.} wharves and landings, an emergency is declared to exist, and this act shall take effect upon the approval of the Governor.

Approved February 28, 1902.

CHAPTER 7.

AN ACT concerning the payment by the State of its proportion of the cost of certain public improvements in cities of the first ^{Cities of first class.}

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when any public way, or other public improvement in any city of the first class in this Commonwealth, is ordered or directed, by ordinance of the general council of such city to be constructed, which, according to the provisions of the act for the government of that class of cities, may be lawfully constructed at the cost of the owners of the lots of ground adjacent to such improvement, ^{Public improvements.}

or within the taxable limits therefor, defined as provided in such act, and any such real estate within such taxable limits is owned by the State of Kentucky, or is held in trust for the public use of the State, the proportionate part of the cost of making such public way or other public improvement shall be apportioned against the real estate of the State in like manner as against other lots of ground within such taxable limits, and the apportionment warrant or statement thereof shall be certified by the Board of Public Works of such city to the Auditor of Public Accounts, who shall thereupon draw his warrant on the State Treasurer for the amount of such apportionment warrant or certified statement in favor of the person named therein as entitled to the amount thereof, and the State Treasurer shall pay said warrant drawn by the Auditor out of any money in the treasury not otherwise appropriated.

Approved February 28, 1902.

CHAPTER 8.

Amending an
act approved
March 19, 1894,
being section 3145,
Ky. Statutes.

AN ACT to amend section 28 of article 6 of an act entitled, "An Act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section twenty-eight of article six, of an act entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March nineteen, one thousand eight hundred and ninety-four, be amended by striking out all of same after the word "qualified" in the fifth line and adding thereto the following words;

He shall perform such duties as the general council may prescribe by ordinance.

His compensation for said duties shall not be less than one thousand five hundred dollars, nor shall it exceed two thousand five hundred dollars per annum. Said jailer shall not be less than twenty-five years of age and an elector of the city.

"The city jailer shall be furnished a deputy jailer by the city; said deputy to be appointed by the city jailer.

Said deputy shall perform such duties as the general council may prescribe by ordinance, and his compensation for said duties shall not be less than nine hundred dollars nor shall it exceed one thousand two hundred dollars per annum.

All the property, machinery and equipments of the city jail shall be under the immediate control of the city jailer.

So that the said section when amended, shall read as follows:

§ 28. There shall be elected by the qualified voters of the city a city jailer, who shall be not less than twenty-five years of age and an elector of the city. He shall hold his office for four years and until his successor is elected and qualified.

He shall perform such duties as the general council may by ordinance, prescribe.

His compensation for said duties shall not be less than one thousand five hundred dollars, nor shall it exceed two thousand five hundred dollars per annum."

The city jailer shall be furnished a deputy by the city. Said deputy shall be appointed by the city jailer. Said deputy shall perform such duties as the general council may, by ordinance, prescribe.

His compensation for said duties shall not be less than nine hundred dollars, nor shall it exceed one thousand two hundred dollars per annum.

City jailer—qualification.

Duties.

Compensation.

Deputy.

CHAPTER 3.

AN ACT to amend an act providing for a Custodian of Public Buildings, for the capitol, its wings, and the Governor's Mansion, and grounds thereof, defining his duties and fixing his salary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky

That sections one, five and six of an act, providing for a Custodian of Public Buildings for the Capitol, its wings, and the Governor's mansion and grounds thereof, defining his duties, and fixing his salary, which became a law without the approval of the Governor, March twelfth, eighteen-hundred and ninety-eight, be and they are hereby repealed. Said sections one, five and six are as follows:

Pertaining to
Custodian of Pub-
lic Buildings at
Frankfort.

§ 1. That a Custodian of Public Buildings, for the capitol building and its wings, and the Governor's mansion shall be elected by the judges of the Court of Appeals as soon as this act shall go into effect, who shall hold his office for the term of four years, and until his successor is elected and qualified.

§ 5. He shall annually report to the Court of Appeals the amount total he has authorized to be spent, to whom it was chargeable, and for what expended, and every two years he shall make a similar report to the Legislature.

Amending sec-
tion 3942 "a" Ky.
Statutes.

§ 6. He shall receive for his compensation the sum of twelve hundred dollars per year, payable monthly, and at the end of each month the Auditor shall draw his warrant in his favor for the amount due for that month. He shall give bond to the Commonwealth of Kentucky in the sum of five thousand dollars for the faithful discharge of his duties, which bond shall be approved by the Chief Justice of the Court of Appeals and two other Judges, and said act is hereby amended by inserting therein the following:

§ 1. That a Custodian of Public Buildings, for the capitol

building and its wings, and the Governor's mansion shall be elected by the Sinking Fund Commissioners on the twenty-fifth day of February, nineteen hundred and two, who shall hold his office for the term of four years, and until his successor is elected and qualified.

§ 5. He shall annually report to the Auditor of Public Accounts the amount total he has authorized to be spent, to whom chargeable, and for what expended, and every two years he shall make a similar report to the Legislature.

§ 6. He shall receive for his compensation the sum of twelve hundred dollars per year, payable monthly, and at the end of each month the Auditor shall draw his warrant in his favor for the amount due for that month.

He shall give bond to the Commonwealth of Kentucky the sum of five thousand dollars for the faithful discharge of his duties, which bond shall be approved by the Sinking Fund Commissioners.

As there will be a vacancy in the office of Custodian of Public Buildings, and it is necessary that said office shall not remain vacant, an emergency is hereby declared to exist and this act shall take effect from its passage.

Sinking Fund
Committee to
elect.

Annual report.

Compensation.

Bond.

Emergency
clause.

Approved February 24, 1902.

CHAPTER 4.

Amending section 4637 Ky. Statutes.

AN ACT to amend and revise an act and amendment thereto, entitled "An Act to authorize the appointment of official stenographic reporters in counties containing a population of seventy-five thousand or over," which became a law July 13, 1893.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act entitled "An act to authorize the appointment of official stenographic reporters in counties containing a population of seventy-five thousand or over," which became a law, July thirteenth, one thousand eight hundred and ninety-three, and the amendment to said section, which was approved May twenty-one, one thousand eight hundred and ninety-seven, be and the same are hereby repealed, and in lieu thereof the following is enacted as section one of said act:

Official stenographer—how appointed.

"The judges of the circuit court of each judicial district of this Commonwealth, or the judge of any division of said court may, in his discretion, appoint an official stenographic reporter for such court or division, and if said judicial district embraces more than one county, he may appoint an official stenographic reporter for each county or any counties in his district, who shall be skilled in the profession, and who shall hold office for a period of four years, or until his successor is appointed and qualified, unless sooner removed at the pleasure of the judge of said court or division, or for other cause shown as herein-after provided.

That section three of said act be amended by adding at the end thereof the following: "And at the same time shall cause a full and accurate carbon copy of the transcript of testimony to be made which copy shall be filed

with the papers and remain in the office of the clerk of the court as a public record."

And for said carbon copy in civil and criminal cases the reporter shall be allowed one-fifth the amount he is allowed for the original, to be paid for in the same manner as the original, so that said section shall read as follows:

"Upon any trial or proceeding in any civil case in said court or division, if either party to the suit, or their attorney, shall request the services of said reporter, or if, in the opinion of the presiding judge, the testimony should be preserved, the presiding judge shall direct such reporter to make a full report of the testimony heard therein, whereupon it shall be the duty of the reporter to take full stenographic notes of such testimony, and upon the motion of either party to the suit or proceeding or their attorney, to cause a full and accurate transcript of the same to be made, which shall be filed among the papers to be used in making up the bill of exceptions to the Court of Appeals, and at the same time shall cause a full and accurate carbon copy of the transcript of testimony to be made, which copy shall be filed with the papers, and remain in the office of the clerk of the court as a public record. And for said carbon copy in civil and criminal cases, the reporter shall be allowed one-fifth the amount he is allowed for the original, to be paid for in the same manner as the original.

That section four be amended as follows: By inserting after the words "the presiding judge may, in his discretion, order a full report, of the testimony and a transcript thereof," the words, "and a carbon copy of said transcript, which carbon copy shall remain in the office of the clerk of the court as a public record," so that said section shall read as follows: Upon the trial of any criminal proceedings in such court or division, if the Commonwealth's Attorney or the accused through his attorney, shall request

Fee for carbon copy.

Duty of stenographer.

the services of said reporter, the presiding judge may, in his discretion, order a full report of the testimony and a transcript thereof, and a carbon copy of said transcript, which carbon copy shall remain in the office of the clerk of the court as a public record, whereupon it shall be the duty of said reporter to take full shorthand notes of such testimony and to make such transcript thereof as he may be directed to make by the judge of said court, which transcript may be used in making up the bill of exceptions to the Court of Appeals.

Approved February 28, 1902.

CHAPTER 5.

Repealing section 98 of act approved July 1, 1893, and February 24, 1894, being section 2860 Ky. Statutes.

AN ACT to repeal section 98 of an act entitled "An Act for the government of cities of the first class," approved July 1, 1893, and an amendment thereto, approved February 24, 1894, and abolishing the office of wharfmaster of the city of Louisville thereby created.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section ninety-eight of an act, entitled "An act for the government of cities of the first class," approved July one, one thousand eight hundred and ninety-three, and amended by an act of the General Assembly, approved February twenty-four, one thousand eight hundred and ninety-four, which section reads as follows:

Abolishing office of wharfmaster. "The wharves and landings shall be under the care and control of the Sinking Fund Commissioners, who shall fix and receive reasonable charges, to be paid for the use of the same. They shall keep the said wharves and landings in order, and shall employ and fix the compensation of all

persons employed in connection with the care and control of the same. Said wharves and landings shall be under the immediate care and control of a wharfmaster, elected by said Sinking Fund Commissioners, who shall prescribe his duties and fix his compensation, which shall not exceed two thousand five hundred dollars per annum. The present wharfmaster shall hold his office during the term for which he was elected, and at the expiration of his term, and every four years thereafter, a wharfmaster shall be elected. Said Commissioners shall have power to fill any vacancy occurring in said office. The said Commissioners shall have power to lease and receive the rentals from any portion of the wharf property not needed for wharf purposes for the time being; but all leases shall provide for their cancellation whenever the property leased is, in the judgment of the Commissioners, required for wharf purposes," be, and the same is hereby, repealed, and the office of wharfmaster thereby created is hereby abolished.

§ 2. Inasmuch as there is an uncertainty in the management and control of the wharves and the revenues therefrom in the cities of the first class, an emergency exists, and is hereby declared, and this act shall take effect from and after its approval by the Governor.

Emergency clause.

Approved February 28, 1902.

CHAPTER 6.

*Amending act
approved July 1,
1883.*

AN ACT to amend an act entitled, "An Act for the government of cities of the first class," approved July 1, 1893, relating to wharves and landings of cities of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

*Wharves and
landings in cities
of first class.*

§ 1. That the wharves and landings of cities of the first class shall be under the care and control of the Board of Public Works of said city, who shall fix and receive reasonable charges to be paid for the use of the same. They shall keep the said wharves and landings in order, shall employ and fix the compensation of all persons employed in connection with the care and control of the same; and said wharves shall be under the immediate care and control of a superintendent of public wharves and an assistant superintendent of such wharves, to be appointed by the said Board of Public Works, who shall prescribe the duties of said officers and fix their compensation as follows: The compensation of the superintendent of public wharves shall be not exceeding two thousand five hundred dollars per annum, and the salary of the assistant superintendent shall not be exceeding one thousand two hundred dollars per annum. The said Board of Public Works shall appoint said officers as soon as practicable after the taking effect of this law, and the said Board of Public Works, shall have power to fill vacancies occurring in either of said offices.

§ 2. The said Board of Public Works shall have the power to lease and receive the rentals from any portion of the wharf property not needed for wharf purposes for the time being; but all leases shall provide for their cancellation whenever the property leased, is, in the judgment of the said board, required for wharf purposes.

§ 3. All moneys that shall be collected for the use of wharves, landings and leases, or any part of wharf property not needed for wharf purposes, and all other money or moneys received by the superintendent of public wharves from said wharves, landings and leases, shall be paid into the treasury of the city at the end of each and every week, and placed by the treasurer to the credit of wharves. The salaries and expenses of operating the wharves and landings shall be paid out of said fund; and the net revenue derived from said wharves, landings and lease holds, shall be placed by the city treasurer annually to the credit of the general purposes fund.

Moneys collected.

Paid to treasurer.

§ 4. Inasmuch as doubt exists as to the extent of authority and right with respect to the revenues from the wharves and landings, an emergency is declared to exist, and this act shall take effect upon the approval of the Governor.

Emergency clause.

Approved February 28, 1902.

CHAPTER 7.

AN ACT concerning the payment by the State of its proportion of the cost of certain public improvements in cities of the first class.

Cities of first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when any public way, or other public improvement in any city of the first class in this Commonwealth, is ordered or directed, by ordinance of the general council of such city to be constructed, which, according to the provisions of the act for the government of that class of cities, may be lawfully constructed at the cost of the owners of the lots of ground adjacent to such improvement,

Public improvements.

or within the taxable limits therefor, defined as provided in such act, and any such real estate within such taxable limits is owned by the State of Kentucky, or is held in trust for the public use of the State, the proportionate part of the cost of making such public way or other public improvement shall be apportioned against the real estate of the State in like manner as against other lots of ground within such taxable limits, and the apportionment warrant or statement thereof shall be certified by the Board of Public Works of such city to the Auditor of Public Accounts, who shall thereupon draw his warrant on the State Treasurer for the amount of such apportionment warrant or certified statement in favor of the person named therein as entitled to the amount thereof, and the State Treasurer shall pay said warrant drawn by the Auditor out of any money in the treasury not otherwise appropriated.

Approved February 28, 1902.

CHAPTER 8.

Amending an
act approved
March 19, 1894,
being section 2145,
Ky. Statutes.

AN ACT to amend section 28 of article 6 of an act entitled, "An Act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section twenty-eight of article six, of an act entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March nineteen, one thousand eight hundred and ninety-four, be amended by striking out all of same after the word "qualified" in the fifth line and adding thereto the following words;

He shall perform such duties as the general council may prescribe by ordinance.

His compensation for said duties shall not be less than one thousand five hundred dollars, nor shall it exceed two thousand five hundred dollars per annum. Said jailer shall not be less than twenty-five years of age and an elector of the city.

"The city jailer shall be furnished a deputy jailer by the city; said deputy to be appointed by the city jailer.

Said deputy shall perform such duties as the general council may prescribe by ordinance, and his compensation for said duties shall not be less than nine hundred dollars nor shall it exceed one thousand two hundred dollars per annum.

All the property, machinery and equipments of the city jail shall be under the immediate control of the city jailer.

So that the said section when amended, shall read as follows:

§ 28. There shall be elected by the qualified voters of the city a city jailer, who shall be not less than twenty-five years of age and an elector of the city. He shall hold his office for four years and until his successor is elected and qualified.

He shall perform such duties as the general council may prescribe.

His compensation for said duties shall not be less than one thousand five hundred dollars, nor shall it exceed two thousand five hundred dollars per annum."

The city jailer shall be furnished a deputy by the city. Said deputy shall be appointed by the city jailer. Said deputy shall perform such duties as the general council may, by ordinance, prescribe.

His compensation for said duties shall not be less than nine hundred dollars, nor shall it exceed one thousand two hundred dollars per annum.

City jailer—qualification.

Duties.

Compensation.

Deputy.

Jail property,
etc.

All the property, machinery and equipments of the city jail shall be under the immediate control of the city jailer."

Approved March 6, 1902.

CHAPTER 9.

Amending an act approved March 10, 1894, concerning asylums.

AN ACT to amend an act entitled, "An Act relating to the Asylums for the Insane, and the Institution for Feeble Minded Children, supported by the State," approved March 10, 1894.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That article two, chapter forty-eight of the acts of one thousand eight hundred and ninety-four, section nineteen, be amended by striking out all of said section after the word "dependent" in line four, and inserting in lieu thereof the following:

"Or if the parent of said persons are unable to pay board besides supporting others naturally dependent on them the court holding the inquest shall require the jury to return a finding on this subject and the verdict shall make it the duty of the Superintendent to receive the patient, but such verdict shall not limit or qualify such patient's liability for his board should he have or acquire estate subject to debt."

So that said section as amended, would read as follows:

Insane person—
when a pauper.

§ 19. An insane person shall be held to be a pauper if unable to pay six months board in advance; or if married, be unable to pay said board besides providing for others naturally dependent; or if the parent of said persons are unable to pay board besides supporting others naturally dependent upon them, the court holding the inquest shall require the jury to return a finding on this subject, and the verdict shall make it the duty of the superintendent to

receive the patient but such verdict shall not limit or qualify such patient's liability for his board, should he have or acquire estate subject to debt."

§ 2. Amend section twenty of article two, chapter forty-eight, the acts of one thousand eight hundred and ninety-four by striking out all of said section after the word "debt," in line three, and inserting in lieu thereof the following:

"The Auditor of Public Accounts is authorized and directed in every such case, to sue for in the name of the asylum and recover the amount of such patient's board, at the rate of two hundred dollars per year, or so much thereof, as such estate will suffice to pay for the time they shall have been respectively kept and maintained therein, and not otherwise paid for, and by proper proceedings to subject their estates respectively to the payment thereof; and when the husband, wife or parent of any such patient who has been, or may be, supported in either asylum shall have estate sufficient for the support of such patient in addition to the support of any others who may be dependent on such husband or parent, in like manner to sue and recover from such husband the amount of his wife's board, and from such parent the amount of his or her child's board, at the rate aforesaid, for the time they shall have been respectively supported by such asylum. Such suit shall create a *lis pendens* lien, and if judgment is obtained shall constitute a lien upon so much of the patient's estate as is described in the petition. The State Auditor shall have authority to employ counsel for each asylum district to collect such claims, by suit or otherwise, and the compensation of such counsel for services shall in no event exceed twenty-five per cent. of the gross sum actually collected. The net sum realized in such suit shall be paid over to the State Auditor, who shall cover the same into the State treasury. In case of failure of suits the ex-

penses therefore shall be paid by the State Auditor out of the State treasury."

So that said section, as amended, will read as follows:

§ 20. Where patients, who have been or may be supported in either of said asylums, have or shall acquire estate, which can be subjected to debt, the Auditor of Public Accounts is authorized and directed in every such case to sue for in the name of the asylum and recover the amount of such patient's board, at the rate of two hundred dollars per year, or so much thereof as such estate will suffice to pay for the time they shall have been respectively kept and maintained therein, and not otherwise paid for, and by proper proceedings subject their estates, respectively, for the payment thereof; and when the husband, wife or parent of any such patient, who has been or may be supported in either asylum, shall have estate sufficient for the support of such patient, in addition to the support of any others who may be dependent on such husband or parent, in like manner to sue and recover from such husband the amount of his wife's board, and from such parent the amount of his or her child's board, at the rate aforesaid for the time they shall have been respectively supported by such asylum, and the statute of limitations providing the time in which actions for such recovery may be instituted shall not run against recovery herein provided for until from and after the time at which said estate is acquired.

Such suit shall create a *lis pendens* lien, and if judgment is obtained, such judgment shall constitute a lien upon so much of the patient's estate as is described in the petition.

The State Auditor shall have authority to employ counsel for each asylum district to collect such claims, by suit or otherwise, and the compensation of such counsel for services shall in no event exceed twenty-five per cent. of the gross sum actually collected. The net sum realized in such suit shall be paid over to the State Auditor, who

Auditor of
Public Accounts
may sue, etc.

Statute of lim-
itations, etc.

Lis pendens
lien.

Auditor to em-
ploy attorneys.

shall cover the same into the State Treasury. In case of failure of suits, the expenses therefor shall be paid by the State Auditor out of the State Treasury.

§ 3. Amend section twenty-one of article two, chapter forty-eight of the acts of one thousand eight hundred and ninety-four by striking out all of said section after the word "furnish," in line two, and inserting in lieu thereof the following:

The Auditor of Public Accounts shall prepare and furnish the superintendent of each asylum proper blanks for reporting name, age, former address, date of commitment, date of death or discharge of each pauper patient, together with the name of his committee and parents, or, if a married woman, the name of her husband, which blanks, after being filled out by the superintendent as best he can, shall on the first of April and October of each year, be furnished by said superintendent to the Auditor of Public Accounts. The Commonwealth or county attorney in attendance at the inquest, shall ascertain and furnish to the superintendent, information as to the address of the patient, as also the name of the patient's parents, their address, and if the parties be a married woman, the name of her husband and his address. This information the said attorney may have the clerk endorse on the inquest, and history of the case to be forwarded the superintendent. So that said section, as amended, will read as follows:

§ 21. The Auditor of Public Accounts shall prepare and furnish the superintendent of each asylum blanks for reporting name, age, former address, date of commitment, date of death or discharge of each pauper patient, together with the name of his committee and parents, or, if a married woman, the name of her husband, which blanks, after being filled out by the superintendent as best he can, shall, on the first of April and October of each year, be furnished by said superintendent to the Auditor of Public Accounts.

Amending sec-
tion 21, art. 2,
chap. 48.

Blanks furnished
by Auditor.

Commonwealth
or county at-
torney—duties of.

The Commonwealth or county attorney in attendance at the inquest, shall ascertain and furnish to the superintendent information as to the address of the patient, as also the name of the patient's parents, their address, and if the party be a married woman, the name of her husband and his address. This information the said attorney may have the clerk endorse on the inquest and history of the case to be forwarded the superintendent.

Emergency
clause.

§ 4. Owing to the fact that these amendments will greatly facilitate the collections of claims due the Commonwealth, an emergency is hereby declared to exist, and this act shall become a law after its passage and approval by the Governor.

Approved March 7, 1902.

CHAPTER 10.

Amending sec-
tion 547. Ky.
Statutes.

AN ACT to amend section 10 of an act, entitled "An Act providing for the creation and regulation of private corporations, which became a law April 5, 1893."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section ten of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April fifth, one thousand eight hundred and ninety-three, the same being section five hundred and forty-seven, chapter thirty-two, of the statutes of the Commonwealth of Kentucky, be and the same is hereby amended, by striking therefrom these words: "And stockholders of corporations not organized for educational, religious, charitable, or benevolent purposes, or for the purpose of building, constructing or operating turnpikes or bridges, lines of railroad, telegraph or telephone, or developing or improving lands,

mines, or waterways, or constructing or operating water, gas or electric plants, or operating for petroleum, natural gas or salt water, shall be individually responsible, equally and ratably, and not one for the other, for all contracts and liabilities of such corporations to the extent of the amounts of their stock at par value; in addition to the amount of such stock," and inserting in lieu thereof these words: "And no stockholder shall be liable because of being a stockholder for any sum more than to the amount of the unpaid part of stock held by such stockholder of any company, except stockholders in banks, trust companies, guaranty companies, investment companies and insurance companies."

So that said section will read, as amended, as follows:

§ 547. The stockholders of each corporation shall be liable to creditors for the full amount of the unpaid part of stock subscribed for by them, and no stockholder shall be liable because of being a stockholder, for any sum more than to the amount of the unpaid part of stock held by such stockholder of any company, except stockholders in banks, trust companies, guaranty companies, investment companies and insurance companies, shall be liable equally and ratably, and not one for the other, for all contracts and liabilities of such corporation to the extent of the amount of their stock at par value, in addition to the amount of such stock; but persons holding stock as fiduciaries shall not be personally liable as stockholders, but the estates in their hands shall be liable, in the same manner and to the same extent as the property of other stockholders, and no transfer of stock shall operate as a release of any such liability existing at the time of such transfer: Provided, The action to enforce such liability shall be commenced within two years from the time of transfer.

§ 2. Whereas, The law regulating the forming of private

Emergency
clause.

corporations is unsettled, and many persons are desiring to form corporations, and the incorporation of such private corporations is being delayed because of the present condition of the law, an emergency exists and is hereby declared, and this act shall take effect from and after its passage.

Approved March 10, 1902.

CHAPTER 11.

Levees for public benefit. AN ACT to aid in the establishing, protecting and building of levees for the public benefit.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County judge—
power of. § 1. That the county judge of any county shall have power at any regular session of the county court, where same shall be conducive to the public health, convenience, or welfare, or when same will be of public benefit or utility, to establish, and aid in the construction, as herein provided, of any levee, along any river or water course, within said county.

Necessary to
establish levee.

§ 2. Before the county judge shall establish any levee, there shall be filed with the county clerk of such county a petition signed by at least five land owners of said county, setting forth the necessity, therefor with a general description of the proposed starting point, route and terminus, the names of the owners and tenants of lands, if known, and if not known it shall be so stated, over which the proposed levee is to pass, and shall give bond with good and sufficient sureties, payable to the State, to be approved by the clerk, conditioned to pay all expense of establishing said levee, and the damages accruing to the owners and tenants of lands over which same passes. As soon as said

petition is filed and said bond executed, said judge shall if in regular session or at his next regular session appoint three impartial housekeepers of the county as commissioners to assess damages, the owner or owners, or tenants, if any, may be entitled to receive, who shall be sworn to faithfully and impartially discharge their duties under the law; and who shall proceed at the time to be set in the order, with a surveyor, who shall be a civil engineer, and view out and make an accurate survey of the line of said proposed levee from its starting point to its terminus, marking and platting the route of same, by courses and distances and ascertain the amount of land required for the purpose of erecting said levee, at the various points along its line, not exceeding, however, four hundred feet in width at any point; the name and residence of the owners and tenants of same, whether same are infants, of unsound mind, or married women; assess what will be a just compensation to each owner and tenant, if any for the land required and sought to be appropriated for the establishment of said levee, the damages, if any, to the residue of the tracts beyond the consequential benefits which will be derived to such residue from the levee. If a person has only an estate for life or years in such land and remainder in fee belongs to another, the commissioners shall apportion the damages between them. All of which said commissioners shall report in writing signed by them to the court, together with a map or diagram of the proposed route of levee, and report also whether or not the proposed levee will be conducive to the public health, convenience or welfare, or whether the same will be of public benefit or utility, and in case the commissioners find the proposed levee not of public benefit or utility as above stated, they shall so report and in which case their report need only state that they find the proposed levee not of public benefit or utility in any way.

§ 3. Upon the report of the commissioners on an applica-

Process against
owners of land
not relinquished.

tion to establish a levee, if favorable to same, the court shall issue process against all the owners and tenants of lands over which said report shows the proposed levee to pass, who have not filed in said court relinquishment of the right of way for same over their lands, to show cause why the said report should not be confirmed, and shall make such orders as to non-residents and persons under disability, as required by the Civil Code of Practice in actions against them in circuit court.

Court to deter-
mine—time, etc.

§ 4. At the first regular term of the county court after the owners and tenants shall have been summoned the length of time prescribed by the Civil Code of Practice before an answer is required, no exceptions being filed to said report by any party, it shall be the duty of the court, from the report and other evidence, if any, to determine whether the levee shall be established as recommended by the commissioners.

When exceptions
filed—jury im-
paneled.

§ 5. When exceptions shall be filed by either party, the court shall, unless the parties agree that the court may try such issues, forthwith cause a jury to be impaneled to try the issues of fact made by the exceptions, and each juror shall be allowed one dollar per day for his services, to be taxed as costs. In assessing the compensation and damages the jury shall be governed by the rule prescribed in section two of this act. If sufficient cause be not shown for setting aside the verdict, the court shall, upon the report, verdict and other evidence, if any, determine whether the levee shall be established as recommended in said report.

Procedure—cost
of.

§ 6. If the court decide that the said proposed levee be established, he shall cause an order to be entered upon the records of said court, and a copy of same to be issued and directed to the applicants and petitioners, upon condition they pay the cost of procedure and all sums required to be paid to the owners and tenants of lands taken, said levee be established by them as reported.

§ 7. The party aggrieved may within thirty days by executing bond as required in other cases, prosecute an appeal to the circuit court of the county, from the decision of the county court, ordering a levee established, on refusing such order, and the appeal shall be tried *de novo*, and from the decision of the circuit court either party may prosecute an appeal to the Court of Appeals, and the latter court shall have jurisdiction only of matters of law arising on the record of such cases.

Right of appeal.

§ 8. The county judge shall, when he establishes a levee appoint five resident land-owners of the vicinity of said levee to be known and designated as the levee commissioners of said county, whose duty it shall be to superintend the construction, care and protection of said levee when built, who shall serve as said levee commissioners for the term of four years or until their successors are appointed. And the county judge shall every four years thereafter appoint levee commissioners for said county for like qualification, and fill any vacancies in said levee board occasioned by death, removal or other cause.

Levee Commissioners.

§ 9. Said levee commissioners shall superintend and see that all levees are properly constructed and cared for, that convenient crossings of said levees are made at the intersection of all public roads for the traveling public and at such private crossings as said commissioners may from time to time establish. That at any time said commissioners may deem said levees in peril or danger of being damaged or destroyed after being built, by reason of wind or high water, they shall, after giving six hours' notice to all male persons between the ages of eighteen and fifty years, residing within the territory protected by said levee, require them to assemble at a point to be designated by said commissioners and aid and labor in the repairs and protecting of said levees, for which service they shall be paid by the commissioners at the rate of one dollar per day. And any person liable to work on said levee under the pro-

Duties of.

visions of this section, who shall fail to do so after being so notified shall be fined for each day he shall so fail the sum of five dollars, to be recovered by warrant issued and tried by any justice of the peace for said county.

Penalty for
crossing, etc.

§ 10. It shall be unlawful for any person to ride a horse or drive any vehicle along or across any public levee except at the crossing of public roads or such private crossings as the levee commissioners may have established, and any one so offending shall be found guilty of a trespass and for each offense fined not less than ten nor more than fifty dollars.

Penalty for
damaging, etc.

§ 11. Any one who shall willfully and feloniously cut, damage, destroy or attempt to cut, damage or destroy any public levee shall be deemed guilty of a felony, and for each offense confined in the State penitentiary for not less than one nor more than five years.

Emergency
clause.

§ 12. Whereas, The Federal Congress has made appropriation for and caused the survey of levees for the benefit of the public, to be made in this State, and bills are now pending to aid in the erection of same; and large sums have been raised by private subscription to build said levees; and whereas, under the present laws of this State, the land required for the location of said levees can not in many instances be obtained, and it being for the benefit and utility of the public at large, an emergency is declared to exist, therefore this act shall take effect and be in force from and after its passage.

Approved March 11, 1902.

CHAPTER 12.

AN ACT to amend an act, entitled, "An Act to authorize the appointment of official interpreter in circuit court trying criminal cases in counties containing a population of seventy-five thousand or over," approved March 19, 1894, and to regulate the appointment of official interpreters in circuit courts in such counties hereafter.

Amending act
approved March
19, 1894, being
section 1045 Ky.
Statutes.

Whereas, by an act entitled "An act to authorize the appointment of official interpreters in circuit court trying criminal cases in counties containing a population of seventy-five thousand or over," approved March nineteenth, eighteen hundred and ninety-four, an official interpreter has been in existence in said court since the passage of such act, and whereas a necessity exists that an official interpreter shall exist in all the circuit courts of such counties, as numerous witnesses are examined almost daily in such courts who do not speak the English language fluently so as to be understood, both orally and by depositions:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a majority of the judges of the circuit court presiding in the divisions of the circuit court of each judicial district of this Commonwealth, composed of a county containing a population of seventy-five thousand or over, may in their discretion, appoint an official interpreter for a term of four years and until his successor is appointed and qualified. But such interpreter may be removed, at any time, by a majority of the judges in their discretion.

Official inter-
preter—appoint-
ment.

§ 2. No person shall be eligible to the position of official interpreter who is not able to speak fluently the English and German languages and to interpret the one of these languages into the other.

Eligibility.

- Duty of. § 3. It shall be the duty of said interpreter to attend daily the sessions of the various divisions of the circuit court in the county in which he is appointed, and to interpret the evidence or statements of parties and witnesses in such courts, or before the commissioners thereof, when directed to do so by the judge thereof.
- Oath § 4. Before entering upon his duties as such interpreter, he shall be required to take the oath required of all officers of this Commonwealth, and shall further swear that he will, to the best of his ability, true interpretation make in all matters and controversies in said court wherein he is directed to interpret.
- Salary. § 5. The said interpreter shall receive an annual salary of, not to exceed fifteen hundred dollars, to be fixed by a majority of said judges, and to be paid in monthly installments out of the county treasury.
- Emergency clause. § 6. Whereas, the circuit court of the counties of their Commonwealth containing a population of seventy-five thousand or over are now in daily session, and whereas numbers of parties and witnesses appear before said courts daily and speak the German language, but are unable to speak the English language, and it is necessary that the statements of such witnesses, both orally and by deposition, shall be interpreted by an official interpreter, an emergency is hereby declared to exist, and this act is to take effect from and after its passage.

Approved March 11, 1902.

CHARTER 13.

AN ACT relating to interurban electric railroads and defining their powers and duties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All interurban electric railroad companies authorized to construct a railroad ten or more miles in length, heretofore or hereafter incorporated under the general railroad laws of this Commonwealth, shall be under the same duties and responsibilities, so far as practicable, and shall have the same rights, powers and privileges as is now granted to or conferred upon railroad corporations existing, operated or incorporated under existing laws of this Commonwealth, or under laws that may hereafter be enacted.

§ 2. Interurban electric railroads shall not, unless by special contract with electric street railway companies, receive, transport and deliver passengers between points within the limits of cities or municipalities, which are contiguous or adjacent, and into and through which such electric street railways are being operated, while using the tracks of such electric street railway therein.

§ 3. All property of interurban electric railroads, both tangible and intangible, shall be valued and assessed for taxation in the same manner provided by law for the valuation and assessment of other railroad property in this Commonwealth.

§ 4. Any interurban electric railroad company now incorporated, or that may hereafter be incorporated as prescribed in section one of this act is hereby authorized and empowered to contract with the owner of any land, material or water right, necessary for the construction and

Water supply—
contracts as to.

equipping and maintaining a reservoir within five miles of the line of railroad, or a line of railroad proposed to be constructed or for a supply of water from a lake or river for the use and purpose of providing and maintaining a sufficient supply of water for its power-house or power-houses, and conveying, by a pipe line, the water thereto. When any company authorized to construct interurban electric railroads shall be unable to contract with the owner of any land or material or water rights, necessary for the purpose of constructing, equipping, and maintaining a reservoir to provide a sufficient supply of water, and pipe the same to its power-house or power-houses, it shall have the right to condemn the same, in the same manner in which railroad companies condemn land for rights of way.

Rights of other
companies.

§ 5. Nothing in this act shall be construed as depriving companies heretofore organized and which may hereafter be organized and incorporated under the general railroad laws of this Commonwealth, governing such companies, and which companies use, or intend to use, electricity or other motive power, of the right of condemnation or other rights and privileges which they obtain or may obtain by reason of their incorporating under the general railroad laws of this Commonwealth.

Penalty for
damaging property.

§ 6. Any person who shall willfully and maliciously tear up, break or displace any rail or other fixture attached to the track or switch or break any bridge or viaduct, or disturb trolley wires or their supports or poles and guy-poles and guy-wires or feed or supply-wires, power house or machinery therein, car barns, or cars therein, owned and used by any interurban electric railroad company, or do any act whereby the motor or cars might be upset arrested or thrown from the track of any such road, or of any switch or any branch or turn-out, or who shall willfully and maliciously destroy, or injure any dam, reservoir, or bank there-

of, or shall destroy, injure or obstruct any pipe, water-main or course connected with such reservoir, shall be confined in the penitentiary not less than two nor more than ten years.

Approved March 11, 1902.

CHAPTER 14.

AN ACT for the better enforcement of an act approved March 10,

1894, entitled "An Act whereby the sense of the people of any county, city, town, district or precinct may be taken as to whether spirituous, vinous or malt liquors shall be sold, bartered or loaned therein," and to amend section 4 of said act.

An act for the better enforcement of an act approved March 10, 1894, and amending section 4 of said act, being section 2657 Kentucky Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In an indictment for a violation of any provision of the act approved March tenth, one thousand eight hundred and ninety-four, entitled "An act whereby the sense of the people of any county, city, town, district or precinct may be taken as to whether spirituous, vinous or malt liquors shall be sold, bartered, or loaned therein," or for a violation of any act amendatory thereof, it shall not be necessary to allege that a vote was taken or an election held, or any other step relative thereto; but it may be simply stated that the act or acts charged were committed in a territory where the said act was in force; and in said indictment it shall be sufficient to designate said act as the local option law.

Indictment.

§ 2. It shall be unlawful for any person to sell, lend, give, procure for, or furnish to another, any spirituous, vinous or malt liquors, or to have in his possession spirituous, vinous or malt liquors, for the purpose of selling them in any territory where said act is in force, and any person so offending shall be fined not less than fifty nor more than

Possession of
liquors for pur-
pose of sale—pen-
alty.

one hundred dollars, and imprisoned not less than ten nor more than fifty days.

U. S. license
prima facie evi-
dence.

The possession of a United States special tax stamp (commonly called United States license) for carrying on the business of a retail dealer in spirituous, vinous or malt liquors, or the having of such tax stamp or license stuck up at the place of business in such territory shall be *prima facie* evidence of guilt under this section.

§ 3. On the second or any subsequent conviction for a violation of said act, or any of its amendments, the court shall require the defendant to execute bond in the sum of two hundred dollars to be of good behavior for the period of twelve months.

Bond.

The court may, in its discretion, increase the amount of the bond, and if the bond is not given the defendant shall be committed to the county jail for a period not exceeding ninety days, to be fixed by the court.

C. O. D. sale.

§ 4. All the shipments of spirituous, vinous or malt liquors to be paid for on delivery, commonly called "C. O. D. shipments," into any county, city, town, district or precinct where said act is in force shall be unlawful and shall be deemed sales of such liquors at the place where the money is paid or the goods delivered; the carrier and his agents selling or delivering such goods shall be liable jointly with the vendor thereof.

§ 5. Section four of said act is stricken out, and in lieu thereof the following is inserted:

Section 4 as
amended.

"After the entry of the certificate of the canvassing board as above provided for, in the order-book of the county court, if the vote was given against the sale, barter, or loan of spirituous, vinous or malt liquors in the said county, city, town, district or precinct, as the case may be, to any person, except as hereinafter provided; and any person who shall sell, barter or loan, directly or indirectly, any such liquors in said county, city, town, district or pre-

cinct shall, upon conviction, be fined not less than sixty nor more than one hundred dollars, or be confined in the county jail for not less than ten nor more than forty days, or both so fined and imprisoned, in the discretion of the court or jury, for each offense; and any person who knowingly furnishes or rents a house, room, wagon, or any conveyance or thing, in which spirituous, vinous or malt liquors are sold, bartered or loaned, in violation of this act, shall, upon conviction thereof, be fined not less than sixty nor more than one hundred dollars, and the house, wagon, vehicle, land or other thing in which the liquors were sold, bartered or loaned shall be liable for all fines adjudged against the person selling, bartering or loaning the same."

Approved March 11, 1902.

CHAPTER 15.

AN ACT ceding to the Government of the United States jurisdiction over certain lands for a public building at Lawrenceburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That jurisdiction is hereby ceded by the Commonwealth of Kentucky to the Government of the United States over so much land and appurtenances not exceeding one acre at or near Lawrenceburg, Kentucky, as may be selected and used for the purpose of erecting thereon a public building for a postoffice and other governmental purposes; provided, however, that civil and criminal processes issuing from State authority may be executed thereon as if this act had not been passed.

Ceding jurisdiction over land for building at Lawrenceburg.

Approved March 12, 1902.

CHAPTER 16.

AN ACT to make it unlawful to employ a child less than fourteen years of age in workshops, mines, mills or factories in this Commonwealth and fixing a penalty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for a proprietor, foreman, owner or other person to employ any child less than fourteen years of age in any workshop, factory, or mine, in this State; that unless said proprietor, foreman or owner shall know the age of the child, it shall be his or their duty to require the parent or guardian to furnish a sworn statement of its age, and any swearing falsely to such by the parent or guardian shall be perjury and punishable as such.

Exception. Provided that if the parent or guardian and the county judge of any county may consent in writing for such employment, then in that event such employment may be made, subject to the approval of the county attorney of said county, in the event of any complaint, and if he thinks after investigation of such complaint, that it is against the best interests or moral welfare of such infant child he may so notify said employer and then this act applies as if no consent was given.

Penalty. **§ 2.** That any proprietor, foreman or owner employing a child less than fourteen years of age in conflict with the provisions of this act, except where such proprietor, foreman or owner has been furnished with a sworn statement of guardian or parent that the child is more than fourteen years of age, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty-five dollars and not more than two hundred and fifty dollars.

§ 3. That the grand jury shall have inquisitorial powers

to investigate violations of this act, and that judges of the circuit courts of the State shall specially charge the grand jury at the beginning of each term of the court to investigate violations of this act.

Grand jury.

§ 4. That this act shall take effect ninety days after the adjournment of this General Assembly.

Approved March 12, 1902.

CHAPTER 17.

AN ACT to regulate the granting of license to practice law, and prescribing the qualifications of attorneys-at-law in the Commonwealth of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person hereafter shall be permitted to practice as an attorney or counsellor-at-law or to commence, conduct or defend, any action suit or claim, in which he is not a party concerned in any court within this State, whether by using or subscribing his own name or the name of any other person without having previously obtained a license authorizing such person so to do as hereinafter provided, which license or qualification shall constitute the person so receiving same an attorney or counsellor-at-law, shall authorize such person to appear in all the courts in this State and there to practice as an attorney or counsellor-at-law according to the laws and customs thereof for and during good behavior in said practice. Nothing in this act shall be construed to prevent a non-resident attorney in good standing from appearing and practicing in a case in which he may be employed. Provided, This act shall not apply to any person now having a license to practice law in this State.

Concerning attorneys at law.

License.

Non-resident attorneys.

Certificate of
county judge.

§ 2. Any person over the age of twenty-one years who desires to obtain a license to practice law in this Commonwealth shall first procure from the county judge of the county of his residence a certificate that he is a person of honesty, probity and good moral character, which is to be granted by such county judge on his own personal knowledge or on any competent evidence that may be produced, and this certificate, when granted, is to be entered of record on the order-book of the county court over which such county judge presides.

Application—how
made, etc.

§ 3. When the certificate required by the preceding section shall have been obtained then such person shall file with the clerk of the circuit court of any county in a circuit court district in this State in which such applicant does not reside at least ten days before the first day of the next regular term of said court, a written application to the judge thereof for such license accompanied by the certificate aforesaid, and the clerk shall docket said application in the name of the applicant and set his examination for some day of the same term, and the court shall cause the examination to be had as hereinafter provided, but such examination may for good cause be postponed to a subsequent day of the term.

Examination.

§ 4. Every applicant for license to practice law in this Commonwealth shall undergo a strict examination by the regular judge of the circuit court in which his application is pending, or by one of the regular judges of such court having two or more judges touching his qualification to practice the same and his knowledge of the law. At such examination not less than two members of the bar must be present who are to be appointed by the court, and are to be first sworn to faithfully and impartially perform the duties of examiner and are to be learned in the law and they shall actually take part in the examination. Said examination shall embrace the following subjects:

1. The common law.
2. Equity jurisprudence.
3. Constitutional law, Federal and State.
4. Criminal law.
5. Torts.
6. Real property.
7. Contracts.
8. Pleadings.
9. Evidence.
10. Negotiable instruments.
11. Corporations—public and private.

Subjects of examination.

If the applicant shall receive a general average of seventy-five per cent. on the above-named subjects and shall be deemed suitably proficient in his knowledge of the law to practice the same, and is further in the opinion of the said judge and examiner, a person of good moral character, then a license shall be granted and issued to him, but in granting such license the judge and the said board of examiners must all concur and it shall be signed by each of them.

License granted.

§ 5. Every person obtaining a license to practice law shall take the oath prescribed by the Constitution of this State and an oath that he will faithfully demean himself in his practice to the best of his knowledge and ability, which oath is to be indorsed on the license and attested by the officer administering the same.

Oaths.

§ 6. Any person who shall practice law in this State without being licensed and sworn as herein provided, shall be deemed guilty of a misdemeanor and fined not less than twenty-five dollars nor more than two hundred dollars for each offense.

Penalty.

§ 7. The applicant shall pay the fees allowed by law to the clerk of the court for his services. The license so issued shall be recorded on the order-book of the court

License recorded.

together with the order granting the same, and a certified copy thereof shall be as valid as the original.

Roster.

§ 8. It shall be the duty of the clerk of every court of record in this State to keep a roster of all the attorneys-at-law at any time practicing law in such court, in which roster the clerk shall record the name of each member of the bar of his court and also each lawyer practicing in his court, which roster shall be kept as a public record and at all times open to public inspection.

§ 9. All laws and parts of laws in conflict herewith are hereby repealed.

Approved March 17, 1902.

CHAPTER 18.

Amending section 495, chapter 14 Civil Code.

AN ACT to amend section 495 of chapter 14 of the Civil Code of Practice, providing for compensation for dower and for the sale of the vested or contingent rights to dower of women.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section four hundred and ninety-five of chapter fourteen of the Civil Code of Practice of Kentucky, be amended to read as follows, to-wit:

Compensation for dower.

First. If a woman have a vested or contingent right to dower in land ordered to be sold pursuant to the provisions of this chapter, the court with her consent, to be taken upon privy examination if she be married, and of sound mind, or without her consent if she be of unsound mind, may order a sale of the land free from her right; and shall provide for reasonable compensation to her out of the proceeds of sale, or that she shall have the same right in property purchased with the proceeds as she had in the property sold.

Second. If a woman have a vested or contingent right to dower in land sought to be sold, under section 490, she shall be made a party to the action, brought to sell such land, and the court may with or without her consent, order a sale of the land free from her right; and shall provide for a reasonable compensation to her out of the proceeds of sale, or that she shall have the same right in property purchased with the proceeds as she had in the property sold.

Approved March 17, 1902.

CHAPTER 19.

AN ACT making the first Monday in September, known as Labor Day, a legal holiday.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The first Monday in September known as Labor Day shall be a legal holiday, and no person shall be compelled to labor on said day by any person or corporation.

Approved March 17, 1902.

CHAPTER 20.

AN ACT to amend chapter 29, article 21, section 1 of General Statutes of Kentucky, now section 1330, Kentucky Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter twenty-nine, article twenty-one, section one, of the General Statutes of Kentucky, now section one thousand three hundred and thirty, Kentucky Statutes, be amended by striking out the word "ten," in line six of said

Amending sec-
tion 1330 Ky. Stat-
utes.

section and inserting in lieu thereof the words "not less than five nor more than twenty-five" so that said chapter, when thus amended shall read as follows:

Penalty for fast driving. If any person shall be engaged, directly or indirectly, in running a horse, by way of practicing him, or in running a horse race, on a public highway or on the street of any town or city, or shall ride or drive any horse in a gallop or run on or through the street of any city or town, he shall be fined not less than five nor more than twenty-five dollars for each offense.

Approved March 17, 1902.

CHAPTER 21.

Amending section 769 Ky. Statutes. AN ACT to amend section 188 of an act, entitled "An Act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one hundred and eighty-eight of chapter one hundred and seventy-one, of the act of the General Assembly adopted during the session of one thousand eight hundred and ninety-one, one thousand eight hundred and ninety-two, and one thousand eight hundred and ninety-three, entitled "An act providing for the Creation and Regulation of Private Corporations," which became a law April fifth, one thousand eight hundred and ninety-three, and which is section seven hundred and sixty-nine of Kentucky Statutes, be and the same is amended by inserting after the word "line" on the seventh line of said section, and between that word and the succeeding word "and," the following words: "And may purchase the property and franchises of any other railroad company at pub-

lic or private sale, not a competing or parallel line, and may sell its franchises and property to any other company not a competing or parallel line or otherwise prohibited by law to purchase," so that said section as amended shall read as follows, namely:

Section one hundred and eighty-eight. Any company may build such spurs, switches, tracks or branches as may be necessary to conduct its business or develop business along its line of road, and for that purpose shall have all <sup>Spurs, switches,
etc.</sup> the powers and be subject to the same restrictions and liabilities as are conferred upon it for the construction of its main line; and may purchase the property and franchises of any other railroad company, at public or private sale, not a competing or parallel line; and may sell its franchises and property to any other company not a competing or parallel line or otherwise prohibited by law to purchase, and may, unless prohibited by law, subscribe to the capital stock of any other railroad company organized under the law of this or any other State, with the assent of such company, and any company organized under the laws of this, or any other State, may, unless prohibited by law, subscribe to the capital stock of any company organized under this law, with the assent of such company, and may make any agreement or arrangement, not inconsistent with law, with any other railroad company.

Approved March 17, 1902.

CHAPTER 22.

AN ACT for the protection of orchards, game preserves, ginseng gardens or farms, and other private premises.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trespass on ginseng gardens, etc.

Penalty.

§ 1. That it shall be unlawful for any person without the consent of the owner thereof to enter any orchard, game preserve, ginseng garden or farm or other premises when same is enclosed by a wire, board, plank, picket, stone, stone cleft, or other fence, not less than seven feet in height, after the owner thereof has conspicuously displayed on said premises on board not less than twelve by twenty-four inches in size the word "posted" and it shall be unlawful for any person to cut, tear down, burn or otherwise injure any such fence enclosing such orchard, game preserve, ginseng garden or farm or other premises; and any one found guilty of violating the provisions of this act shall be deemed guilty of a felony and on conviction shall be confined in the State penitentiary not less than one nor more than three years.

Approved March 17, 1902.

CHAPTER 23.

AN ACT relating to garnishments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Garnishments.

§ 1. That wages earned out of this State and payable out of this State shall be exempt from attachment or garnishment in all cases, where the cause of action arose out of this State, and it shall be the duty of garnissees in such cases to plead such exemption unless the defendant is actually served with process.

Approved March 17, 1902.

CHAPTER 24.

AN ACT to further regulate the Bureau of Agriculture, Labor and Statistics.

An act to regulate Bureau of Agriculture, etc.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In the Bureau of Agriculture, Labor and Statistics there shall be appointed by the commissioner, with the approval of the Governor, a labor inspector, and one assistant labor inspector, who shall be men having practical knowledge of factories, machine or work shops, and who shall be under the supervision of the commissioner.

§ 2. It shall be the duty of the Labor Inspector to visit and inspect the various factories, machine and work shops in this State, and under the direction of the commissioner, to report to the Commonwealth's attorney and county attorney of the county or district, where such factory, machine or work shop is located, any violation or infraction of laws enacted for the protection of women, children and other persons laboring in such places.

§ 2. It shall be the duty of every owner, manager and agent of any factory, machine or work shop where laborers are employed, to admit the labor inspectors during reasonable hours and while the same is open, for the purpose of making an inspection of same, and any person who shall refuse to admit such inspectors in violation of the provisions of this section shall be fined not to exceed one hundred dollars, or to be imprisoned in jail not more than six months, or both be so fined and imprisoned in the discretion of the jury.

§ 4. It shall further be the duty of the labor inspector to collect statistics concerning labor wherever and however employed in this State, and report the same to the commis-

Labor inspector,
assistant, duties
of.

Duty of owner
of shop, etc.

Statistics con-
cerning labor,
etc.

sioner at such times as he may direct. It shall be the duty of the owner, officers, manager, or agent of any factory, machine or work shop where laborers are employed, to furnish upon demand of the labor inspectors statistical information concerning the number and sex of laborers employed, the compensation of each, the amount and kind of labor performed by such laborers, and such other reasonable information as may be required by the commissioner: Provided, that no person shall be required to furnish the labor inspectors information concerning the private conduct or condition of his affairs, or the affairs of the firm or concern he represents, touching matters not contemplated in the provisions of this act; and, Provided, further, That no labor inspector, for the purpose of gathering statistics, shall interfere or detain from work any laborer while on duty during working hours.

Report of com-
missioner.

§ 5. The commissioner shall make a separate report biennially to the Legislature on or before the second Monday in January, on the subject of labor, and include such recommendations as may be deemed proper, together with an account of the work done by the labor inspectors, and the expenses incurred in by them. The number of copies of such reports shall not be less than one thousand nor more than three thousand, in the discretion of the commissioner.

Printing.

§ 6. The biennial reports on Agriculture, Labor and Statistics, made by the commissioner, shall be printed by public printer, under the direction of the commissioners of public printing, and paid out of the general fund as provided by law for the printing for the executive departments.

§ 7. Neither the labor inspector nor assistant labor inspector shall take any part, interfere, or become involved in any strike or similar labor difficulty, other than the per-

formance of his duty as prescribed by law, upon penalty of forfeiting his office.

§ 8. The labor inspector and assistant labor inspector shall receive annual salaries of twelve hundred dollars and one thousand dollars, respectively, and their actual necessary traveling expenses while in the performance of their duties to be paid out of the fund appropriated for the bureau. Said labor inspectors shall make reports of expenses as directed by the commissioner, who shall approve the same when proper and certify same for payment as other expenses of said bureau are now allowed and paid. Salaries.

§ 9. Nothing in this act shall be construed to conflict with the powers and duties of the State mine inspectors as now prescribed by law. The words, factory, machine and work shop, shall not be construed to mean a newspaper or printing office.

§ 10. All laws in conflict with this act, are, to the extent of such conflict, hereby repealed.

Approved March 17, 1902.

CHAPTER 25.

AN ACT to amend and re-enact an act entitled "An Act to prevent lynching and injury to and destruction of real and personal property in this Commonwealth at the hands of mobs or other riotous assemblages of persons, and to prevent the posting and circulation of threatening letters, and to prescribe penalties for the enforcement of its provisions," same being chapter twenty of the acts of eighteen hundred and ninety-seven, and which was approved by the Governor May 20, 1897.

Amending chapter 20, acts of 1897, approved May 20, 1897, being section 1241 a Ky. Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter twenty of the acts of the special session of the General Assembly of one thousand eight

hundred and ninety-seven, which was approved by the Governor, May twentieth, one thousand eight hundred and ninety-seven, be amended as follows:

Strike out from said chapter twenty, sections five, six, and seven, which read as follows:

§ 5. That upon information being lodged with any county judge or circuit judge in this Commonwealth by any reliable and credible person or persons, stating under oath that he has information or knowledge that causes him to believe, and that he or they actually believe, that two or more persons have banded or confederated together, or are about to do so, for the purpose of injuring or destroying any property, real or personal, tollgate, tollgate house, bridge or other property of any person, turnpike, or railroad company or other corporations in the county, or for the purpose of intimidating or preventing the keeper of any tollgate or bridge from collecting toll, and shall describe the said property or person threatened, it shall be the duty of the said county judge or circuit judge to at once order the sheriff or any constable of the county to summon a posse of not less than two nor more than ten discreet, able-bodied men, between twenty-one and fifty years of age, for each piece of property threatened with injury or destruction, to be placed at or in such property, armed with guns and ammunition, until the judge is satisfied the cause no longer exists, not to exceed thirty days at any one time: Provided, however, At the expiration of thirty days, if the court is satisfied, from information from a reliable source, that if said guard or guards are removed the property will be injured or destroyed, he may continue the guards for a period of thirty days longer, and so on, thirty days at a time, until he is satisfied that there is no further necessity therefor.

§ 6. If the county judge, circuit judge, sheriff or other peace officer shall refuse or fail to discharge any of the

duties imposed upon him by the provisions of this act, or shall be guilty of a dereliction of duty as such officer in the premises, he shall, upon conviction be fined not less than one hundred nor more than five hundred dollars, and shall forfeit his office as a penalty, in addition to the payment of said fine.

§ 7. That the officer, for summoning the guards, shall be paid a fee of fifty cents for summoning said guard, and each guard shall be paid two dollars, or at that rate for each day he is on duty, to be paid upon the warrant of the county judge out of the county treasury and levy of that year. If a person should serve over ten hours on any one day, for such excess of service he shall be paid extra in proportion to the time of such extra service. Any guard summoned by the officer, who fails or refuses to act, without good cause made known at the time, shall be liable to a fine of not less than five dollars nor more than fifteen dollars for each day said guard shall be in default; so that said chapter twenty- when thus amended, shall read as follows:

§ 1. If any two or more persons shall confederate or band themselves together for the purpose of intimidating, alarming, disturbing, or injuring any persons, or to rescue any person or persons charged with a public offense from any officer or other person having the lawful custody of any person or persons with the view of inflicting any kind of punishment on them, or with the view of preventing their lawful prosecution for any such offense or to do any felonious act, they, or either of them, shall be deemed guilty of felony, and upon conviction shall be confined in the penitentiary not less than one nor more than five years.

§ 2. If any two or more persons shall confederate or band together and go forth, for the purpose of molesting, injuring, or destroying any property real or personal, of another person, persons or corporation, whether the same be in-

Banding together.

Penalty.

Banding together and going forth.

Penalty.

jured, molested or damaged or not, they shall be guilty of a felony, and upon conviction shall be confined in the penitentiary not less than one nor more than five years.

Injury to person or property.

§ 3. If any injury shall result to the person or property of any persons or persons, by reason of any unlawful acts denounced in the preceding section of this act, the person or persons engaged or participating, or any one of them, or any one aiding or abetting such unlawful act, shall be guilty of a felony, and upon conviction shall be confined in the State penitentiary not less than one nor more than fifteen years, unless death should result, in which case the penalty for such offense shall be as now prescribed by law. It shall be no mitigation of the offense for any one, upon his trial for a violation of the provisions of this section, that he may have acted through heat or passion, or that he may have acted without malice, and the judge trying the case shall so instruct the jury in writing. The persons composing such mob or riotous assemblages shall be individually and collectively liable in damages, actual and punitive, to the owner or owners of property so damaged or destroyed, to be recovered by suit at law in any court having jurisdiction of the amount in controversy.

Liable in damages.

§ 4. Any officers or person having the custody of the persons ^{Officers to summon or persons charged with a public offense shall have the power and it shall be his duty to summon to his aid as many of the able-bodied male citizens of his county, between the ages of twenty-one and fifty years, as may be necessary for the protection of any such person or persons in his custody, and every such person who shall fail or refuse to obey such summons or verbal notice of such officer shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars. Any officer having knowledge or reasonable grounds to believe that an effort will be made to rescue, injure or kill any person or persons in his custody charged with a public offense shall}

Effort to rescue.

immediately provide such means as will be necessary to prevent any such unlawful act or acts; and any officer who may be in charge of any jail in this Commonwealth, in which is incarcerated any such person or persons charged with a public offense, when he has reasonable grounds to believe that said jail will be attacked by a mob or persons confederated or banded together for the purpose of inflicting violence upon any inmate of said jail may, in his discretion, arm said threatened inmates, with a view to their own protection.

§ 5. For the purpose of more effectually enforcing the provisions of this act the Governor is hereby authorized to offer a reward for the apprehension and conviction of any offender of this law in any sum not exceeding five hundred dollars, and he shall be authorized to employ detectives, in his discretion, for the ferreting out and apprehension and conviction of any such offender, not exceeding two at any one time, provided the cost thereof shall not exceed three thousand dollars in any one year. The judge of the county court of any county in which this law is violated shall have power to offer a reward not exceeding two hundred dollars, or supplement the Governor's reward, for the arrest and conviction of any person violating this act. The rewards offered by the Governor shall be paid out of the Treasurer of this State; those offered by the county judge shall be paid by the county.

§ 6. If any person shall send, circulate, exhibit or put up any threatening notice or letter, signed with such person's own or another's name or anonymously, he shall upon conviction thereof be fined not less than one hundred dollars nor more than five hundred dollars, and imprisoned in the county jail not less than three nor more than twelve months.

§ 7. In any prosecution under this act it shall be no exemption for a witness that his testimony may incrimin-

Reward.
Threatening
notice.

Penalty.

Testimony.

ate himself; but no such testimony given by the witness shall be used against him in any prosecution except for perjury, and he shall be discharged from all liability for any violation of this act so necessarily disclosed in his testimony.

Approved March 17, 1902.

CHAPTER 26.

AN ACT ceding to the Government of the United States jurisdiction over certain lands and appurtenances for the establishment of a national military park at Perryville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Ceding jurisdiction over land at Perryville.

§ 1. That the jurisdiction of this Commonwealth is hereby ceded to the United States of America over so much of any lands, not exceeding three thousand acres, as may be selected in Boyle county in this State, near Perryville, for the purpose of establishing, maintaining, beautifying and protecting a National Military Park at the battlefield of Perryville. But this cession is upon the express condition that the Commonwealth of Kentucky shall so far retain concurrent jurisdiction with the United States over said lands as that all criminal and civil processes issued under the authority of this State may be executed thereon in like manner as if this act had not been passed.

§ 2. That nothing in this act contained shall interfere with the jurisdiction of the United States over any matter or subjects set out in the bill now pending in Congress to establish a National Military Park at the site of the battle of Perryville, or with any laws, rules or regulations that Congress may adopt for the preservation and protection of its property and rights on said lands and approaches thereto and the proper maintenance of good order thereon.

§ 3. That all laws and parts of laws, in conflict with this act be, and the same are, hereby repealed.

Approved March 17, 1902.

CHAPTER 27.

AN ACT to provide for the establishment and maintenance of a
Confederate home to be a charitable institution of the State of Kentucky, and providing for the care and maintenance of infirm
and dependent Confederate soldiers of the State of Kentucky. Providing Con-
federate home.

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky:*

§ 1. That an institution to be known as the "Kentucky
Confederate Home" is hereby created and incorporated,
the object of which shall be to care for the infirm and de-
pendent Confederate soldiers of the State of Kentucky. Kentucky Con-
federate Home.

§ 2. The purpose of this act is to provide on the part of
the State of Kentucky for the organization and mainten-
ance of a Confederate Home for a period of twenty-five
years, or so long as shall be needed for the purposes for
which said home is created. In consideration of the pro-
visions and benefits of this act, the Confederates of the
State of Kentucky shall secure and cause to be conveyed to
the Commonwealth of Kentucky property sufficient for the
purposes of said Home; said property to contain not less
than thirty acres of ground and to have, when turned over
to the State, buildings and rooms furnished for the care
and custody of not less than twenty-five persons. The
deed to said property so conveyed by the Confederates of
Kentucky, or their friends or sympathizers, shall be de-
posited with the Secretary of State. And whenever said
property, containing as aforesaid not less than thirty acres,
with furnished rooms for the accommodation of not less
than twenty-five inmates, shall be secured and deeded as
aforesaid, and the Governor of the State shall be informed
of said fact and shall examine, or cause to be examined,
said property, and when he is satisfied that the same com-
plies with the provisions of this act, then the appropria-

Purposes of act.

tions named in this act shall immediately become effective.

Management,
etc.

§ 3. That the control and management of the Confederate Home herein provided for shall be vested in a board of trustees composed of fifteen members, who shall be appointed by the Governor of Kentucky from among the Confederate soldiers residing in the State of Kentucky, or their sons, and said appointments shall be made within twenty days after the passage of this act.

Board of trustees—appointment—term of office.

§ 4. The said board of trustees are required to elect a president, treasurer, and secretary from among their number, and to fix the amount of bond which the treasurer shall be required to give, which bond shall be approved by the Governor of Kentucky and deposited with the Secretary of State. The Governor, at the time of appointing the board, shall designate five of its members who shall hold their office for four years, five who shall hold their office for three years, and five who shall hold their office for two years; and thereafter, every two years, the Governor shall appoint five members of the said board of trustees. Vacancies occurring before the expiration of the term of any of the trustees shall be filled by appointment by the Governor. The members of said board of trustees shall perform the duties imposed upon them by the provisions of this act without compensation for their services. Said board of trustees shall, on the second Monday in January of each and every year, furnish a detailed report of all receipts and expenditures and of all property owned by the corporation, and a financial statement shall be made under oath by the treasurer, through the board of trustees, of the financial transactions of the previous year, which shall contain a detailed statement of the moneys or other things received from every source on account of said home, and an itemized account of its disbursements. Said board of trustees shall have power and authority to make all necessary rules and regulations for the control, man-

Yearly report.

agement and maintenance of said Confederate Home, and for the admission and discharge of the inmates thereof, and shall also have full power to control and appoint and remove at will all the employes necessary in the management of the Home.

§ 5. The board of trustees of said Confederate Home shall meet at the place at which said Home shall be located at least three times in each and every year, on the first Wednesday in January, the first Wednesday in May, and the first Wednesday in September, and shall be allowed, out of any fund appropriated or given to the Home, their actual traveling expenses to and from said place of meeting. Seven members of said board of trustees shall constitute a quorum thereof.

Meetings—place
and time of.

§ 6. For the maintenance of said Home there shall be allowed each and every year, out of the State treasury, to be paid in quarterly installments, as is done in other charitable institutions maintained by the State of Kentucky, the sum of one hundred and twenty-five dollars for each and every inmate of said Home, and upon a certificate signed by the president of said board of trustees as to the number of inmates in said Home, the Auditor shall issue his warrant quarterly for such sums as may be due, as provided for in this act.

Yearly allow-
ance, etc.

§ 7. In case the per capita allowed for the maintenance of the inmates of the Home shall be less than ten thousand dollars, the sum of ten thousand dollars shall be paid in quarterly installments as herein provided, for the maintenance of said Home.

§ 8. Provided that any person availing themselves of the benefits of this Home shall before being admitted as inmates present to the trustees a certified copy of his enrollment and muster into the military service of the Confederate States of America and of his honorable discharge or parole at the termination of the war, but should said applicant be unable to procure documentary evidence of his

Qualifications.

services in the Confederate army oral proof satisfactory to the trustees that he served in said army as an honorable soldier, and that he was honorably acquitted of said service shall be accepted by the trustees.

Emergency
clause.

§ 9. Whereas, There are a large number of Confederate soldiers who need the benefits of said Home, and suffering might exist without it, an emergency is hereby declared to exist, and this act shall be in force and effect from and after its passage.

Approved March 27, 1902.

CHAPTER 28.

AN ACT to have the name of Jacob Warrick, an honored soldier, inscribed upon the battle monument in the Frankfort cemetery.

Whereas, Capt. Jacob Warrick, reared in Fayette county, Kentucky, and who was slain at the head of his company of Indiana volunteers, in the battle of Tippecanoe, under Gen. W. H. Harrison, on the seventh day of November, one thousand eight hundred and eleven; and whereas, his name and fame are entitled to recognition and commemoration at the hands and in the hearts of all the American people, and especially the people of Kentucky; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of said Jacob Warrick be inscribed on the battle monument in the cemetery at Frankfort, Kentucky, under that of Col. Joe H. Davies and Col. Abram Owen, in that space set apart for the soldiers of Tippecanoe on said monument, and that the Governor is requested to have this resolution carried into effect.

Approved March 18, 1902.

CHAPTER 29.

AN ACT creating the office of Assistant Commonwealth's Attorney in counties having a population of one hundred and fifty thousand or over, and prescribing the qualifications, powers, duties and compensation thereof.

An act creating office of assistant Commonwealth's attorney, etc.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the office of assistant Commonwealth's attorney in counties having a population of one hundred and fifty thousand or over is hereby created.

§ 2. The assistant Commonwealth's attorney shall be appointed by the Commonwealth's attorney for a term of four years, but shall be subject to removal at any time by the Commonwealth's attorney. His salary shall be fixed by the fiscal court of the county and shall be not less than eighteen hundred dollars, nor more than twenty-five hundred dollars per annum, payable out of the county levy in equal monthly installments.

Appointment.

Term of office.

Salary.

§ 3. The assistant Commonwealth's attorney shall possess the qualifications of a Commonwealth's attorney and shall have the same powers and perform the same duties that Commonwealth's attorneys now have and perform, except that in case of a disagreement between the Commonwealth's attorney and the assistant Commonwealth's attorney, the Commonwealth's attorney shall control.

Qualifications.

§ 4. In the absence of the Commonwealth's attorney, the assistant Commonwealth's attorney shall act as Commonwealth's attorney without additional compensation.

§ 5. Inasmuch as the volume of business in the office of the Commonwealth's attorney in counties having a population of one hundred and fifty thousand or over is now greater than can be given proper attention by one man; an emergency is declared to exist and this act shall take effect and become a law immediately upon its passage.

Emergency clause.

Approved March 18, 1902.

CHAPTER 30.

AN ACT concerning city engineers in cities of the second class in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amending section 3144 Ky. Statutes.

Cities second class.

City engineers.

Duties.

Assistant, when.

Salary.

§ 1. That section twenty-seven, article six of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March nineteenth, one thousand eight hundred and ninety-four, and being section three thousand one hundred and forty-four, Kentucky Statutes, be amended so as to read as follows:

The duties of the city engineer shall be to supervise all work which is done by, for or on account of the city which properly comes within his department, and he shall recommend to the general council the employment of such labor and the purchase of such material, in the performance of his duties, as he may deem necessary for the best interests of the city. All work of a public character shall be inspected by him, as well as all materials used in such work, and both the work done and materials used shall be accepted by him.

He may select an assistant, provided said office of assistant has been or may be created by ordinance, who shall serve during his term of office, whose duties shall be to keep a record of all transfers of real estate, on a block map to be kept by the city, and to render such assistance to the city engineer as may be necessary, and as he may be directed by the engineer to perform.

§ 2. The salary of the engineer shall be fixed by the general council, and shall not be less than eighteen hundred dollars nor more than twenty-four hundred dollars per annum. The salary of the deputy shall be likewise

fixed and shall not be less than six hundred dollars per annum nor more than twelve hundred dollars per annum.

§ 3. So much of said section as may be in conflict here-with is hereby repealed.

Approved March 18, 1902.

CHAPTER 31.

AN ACT to amend an act entitled, "An Act for the government of cities of the first class," approved July 1, 1893.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Amend section one hundred and thirty-three, chapter two hundred and forty-four, of the acts of the General Assembly of eighteen hundred and ninety-one, ninety-two, and ninety-three, by striking out all of said section after the word "court," in line nine, so that said section as amended shall read:

"§ 133. When, from any cause, the judge of said court shall fail to attend and to hold court, the mayor of the city shall select and designate some lawyer who has no case on the docket of said court, to act as judge *pro tem* for said court, and the judge *pro tem* shall have the same rights, powers, and duties as the regular judge has, and the judge *pro tem* shall receive from the city the same *pro rata* compensation paid the judge of the court."

Amending sec-
tion 2925 Ky. Stat-
utes.

Pro tem judge.

§ 2. Amend section one hundred and thirty-four, chapter two hundred and forty-four of the acts of the General Assembly of eighteen hundred and ninety-one, ninety-two and ninety-three by striking out all of said section down to and including the word "allow" in line three and inserting in lieu thereof the following: "The judge of the court shall annually have a vacation of two months," so that said section as amended will read:

Amending section 2926 Ky. Statutes.

Vacation.

"§ 134. The judge of the court shall annually have a vacation of two months, and during said vacation a compensation of the judge *pro tem* shall not be deducted from the salary of the regular judge. The clerk of the court shall certify to the auditor of the city the name of the judge *pro tem* and the term of his service, and the city auditor shall thereupon draw a warrant upon the city treasury for the amount of money due the judge *pro tem* for the time he served on the bench and the treasurer shall pay the warrant.

§ 3. Amend section one hundred and thirty-nine, chapter two hundred and forty-four of the acts of the General Assembly of eighteen hundred and ninety-one, ninety-two, ninety-three, by striking out all of said section after the word "receive," in line one, and insert in lieu thereof the following: "A salary of thirty-five hundred dollars per annum, and may appoint two deputies, who shall be paid a salary of one thousand two hundred dollars per annum for each deputy "the salaries of the clerk and his deputies shall be paid at the same time and in the same manner as the salaries of other city officers are paid," so that said section, as amended, shall read:

Amending section 2931 Ky. Statutes.

Clerks.

"§ 139. He shall receive no fees whatever, but he shall be paid a salary of thirty-five hundred dollars per annum, and may appoint two deputies who shall be paid a salary of twelve hundred dollars per annum for each deputy. The salaries of the clerk and his deputies shall be paid at the same time and in the same manner as the salaries of other city officers are paid."

§ 4. Amend section one hundred and forty-five, chapter two hundred and forty-four of the acts of the General Assembly of eighteen hundred and ninety-one, ninety-two, ninety-three, by striking out all of said section after the word "receive," in line one, and insert in lieu thereof the following: "A salary of thirty-five hundred dollars per annum, and the salary of the prosecuting attorney shall be

paid at the same time and in the same manner as the salaries of other city officers are paid." So that said section, as amended, shall read:

"§ 145. He shall receive a salary of thirty-five hundred dollars per annum and the salary of the prosecuting attorney shall be paid at the same time and in the same manner as the salaries of other city officers are paid."

Amending section 2937 Ky. Statutes.

Attorneys.

§ 5. Amend section one hundred and fifty-two, chapter two hundred and forty-four of the acts of the General Assembly of eighteen hundred and ninety-one, ninety-two, ninety-three, by striking out all of said section after and including the word "such," in line two in said section, and insert in lieu thereof the following: "Two deputies, who shall be appointed by him, the bailiff and his deputies shall receive no fees, but the bailiff shall receive a salary of thirty-five hundred dollars per annum, and each of his deputies shall receive a salary of twelve hundred dollars per annum. The salaries of the bailiff and his deputies shall be paid at the same time and in the same manner as the salaries of other city officers are paid." So that said section, as amended, shall read:

"§ 152. The bailiff shall be assisted in the performance of his deputies by two deputies, who are to be appointed by him. The bailiff and his deputies shall receive no fees, but the bailiff shall receive a salary of thirty-five hundred dollars per annum and each of his deputies shall receive a salary of twelve hundred dollars per annum. The salaries of the bailiff and his deputies shall be paid at the same time and in the same manner as the salaries of other city officers are paid."

Amending section 2944 Ky. Statutes.

Bailiff.

Approved March 18, 1902.

CHAPTER 32.

Amending section 3117 Ky. Statutes.

AN ACT to amend and re-enact an act which became a law March 25, 1898, and which is entitled "An Act to amend an act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, said amending act now being section 3117 of the Kentucky Statutes, and relating to the selection of an official newspaper.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act which became a law March twenty-fifth, one thousand eight hundred and ninety-eight, and is entitled 'An act to amend an act, entitled 'An act for the government of the cities of the second class in the Commonwealth of Kentucky, approved March nineteenth, one thousand eight hundred and ninety-four, and now being section three thousand one hundred and seventeen of the Kentucky Statutes, be amended and re-enacted so as to read as follows:

Official newspaper—city attorney to select.

That the city attorney shall annually select a daily newspaper to be known as the official newspaper of the city, and in such official newspaper for the term of one year shall be regularly and promptly published a correct and full abstract of the proceedings of both boards of the general council, and all ordinances, resolutions and notices which, under this act, or the ordinances of the city, may be required to be published; but the price for such publication shall not exceed the regular advertising rates for such newspaper. The city attorney may examine the subscription books and other evidence offered by competitors to enable him to reach a just determination, and his determination shall be final. No ordinance or resolution appropriating or paying less than fifty dollars shall be published, nor shall ordinances for street or other public improvements or proposals or bids or such improvements

include details of specifications, but these shall in the proper office be open to examination and the notices shall so state.

§ 2. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 3. Whereas the selection of the official newspaper under the present law will occur before ninety days after the adjournment of this session of the General Assembly, therefore an emergency is declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Emergency clause.

Approved March 18, 1902.

CHAPTER 33.

AN ACT to change the name of the State Normal School for colored persons and regulate the conduct of the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of the State Normal School for Colored Persons is hereby changed to that of "The Kentucky Normal and Industrial Institute for Colored Persons," and its board of trustees shall be known as "The Board of Trustees of the Kentucky Normal and Industrial Institute for Colored Persons."

Changing name
of State Normal
School for Colored
Persons.

§ 2. That the presiding officer of the institute, who shall be selected by the board of trustees, shall be styled the "President of the Institute," and shall be the chief administrative officer of the institution, under the control of the board of trustees, and be *ex officio* a member of the board of trustees, and hold his office indefinitely, at the will of the said board, but the superintendent shall have no vote in his own election or retention in office.

President of the
Institute.

Approved March 18, 1902.

CHAPTER 34.

Amending sec.
tion 3189 Ky. Stat-
utes.

AN ACT to amend section 16, article 8, of an act, entitled "An Act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, which is section 3189 of the Kentucky Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section sixteen of article eight of the act of March nineteenth, one thousand eight hundred and ninety-four, for the government of cities of the second class in the Commonwealth of Kentucky, which is section three thousand one hundred and eighty-nine of the Kentucky Statutes, be, and the same is hereby amended by adding thereto, as subsection "A."

"That, whenever a city of the third class is transferred to a city of the second class, and an assessment of property has been made by said third class city for municipal taxation, and made in anticipation of said transfer to cities of the second class, the same shall be valid and binding as if it had been made under the provisions of this act."

§ 2. Whereas, It is necessary that the change made by this amendment shall be in effect as soon as practicable, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Emergency
clause.

Approved March 19, 1902.

CHAPTER 35.

AN ACT to repeal section 12, article 1, chapter 48, of the General Statutes, being section 2025, article 1, chapter 61, of the Kentucky Statutes. Repealing section 2025 Ky. Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section twelve, article one, chapter forty-eight of the General Statutes of Kentucky, being section two thousand and twenty-five, article one, chapter sixty-one of the Kentucky Statutes be and the same is hereby repealed.

That this act shall take effect and be in force within ninety days after the adjournment of the General Assembly.

Approved March 19, 1902.

CHAPTER 36.

AN ACT for the benefit of L. D. Smith.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby directed to issue his warrant on the State Treasurer in favor of L. D. Smith for four dollars (\$4.50) and fifty cents per day, from the beginning of the present session of the General Assembly until its close, for his services in keeping and caring for the back capitol, and his assistants who have aided said L. D. Smith in keeping and caring for the back capitol.

L. D. Smith.

§ 2. An emergency exists for the immediate effect of this act, for the reason that no law exists allowing pay for such services, therefore this act shall take effect from its passage. Emergency clause.

Approved March 19, 1902.

CHAPTER 37.

AN ACT to provide for counties licensing certain vehicles in counties having free turnpikes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all counties having free turnpikes the fiscal court of such counties may place license on livery vehicles or any other vehicles that carry passengers or freight for pay.

Approved March 19, 1902.

CHAPTER 38.

AN ACT to provide additional means for the erection and equipment of a dormitory for young women in connection with the Agricultural and Mechanical College of Kentucky, and to appropriate money therefor.

A. & M. College, appropriation for.

Whereas, It has been shown by the report of the Board of Trustees of the Agricultural and Mechanical College of Kentucky that the appropriation made by an act of the General Assembly of the Commonwealth of Kentucky, approved March twenty-first, one thousand nine hundred, was altogether inadequate to build and equip a dormitory for young women, which should accommodate one hundred and twenty-five persons and fulfill the other conditions imposed in this act; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a supplementary appropriation of thirty thousand dollars be made to enable the trustees of the Agricultural and Mechanical College of Kentucky to build, complete and equip a dormitory or college home for young

women, of such dimensions and equipment as will accommodate one hundred and twenty-five persons, and meet the other requirements of the General Assembly.

§ 2. The money hereby appropriated shall be paid to the treasurer of the said college from time to time as the erection, furnishing and equipment of the building may require; and it shall be the duty of the Auditor of Public Accounts to draw his warrant or warrants upon the treasurer of the State in favor of the treasurer of said college for such an amount as the treasurer of said college may certify to him from time to time to be necessary and needed in carrying out the provisions of this act.

§ 3. Whereas, it is necessary that the work on the building and purchase of equipments authorized by this act ^{Emergency clause.} shall begin as soon as possible, in order that the said building may be completed and the equipment purchased and ready for use at the beginning of the next collegiate year in September, one thousand nine hundred and two, an emergency is hereby declared to exist, and this act shall take effect and be in full force from and after its approval by the Governor.

Approved March 20, 1902.

CHAPTER 39.

AN ACT to amend an act, entitled "An Act for the government of cities of the first class," approved July 1, 1893. ^{Amending act approved July, 1893.}

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That wherever any city of the first class shall own any stock in a gas company, carrying on business within its boundaries, the said city shall have the right to sell and dispose of the same upon such terms as may be prescribed by ordinance duly passed by the general council of the ^{Cities first class may sell gas stock.}

said city and approved by its mayor, in the manner that other ordinances are so passed and approved, but said stock shall not be sold for less than par.

§ 2. The proceeds of the sale of any such stock shall be applied, so far as they will suffice for that purpose, to the construction of public sewers, and held and used solely for that purpose, but the purchaser or purchasers of such stock shall not be required to look to the application of the purchase money.

§ 3. The general council may, on such terms and conditions as shall be prescribed by ordinance passed as aforesaid, authorize the mayor of said city to consent, on behalf of the general council, to such amendments to the charter of any such gas company as may be approved by the board of directors of any such gas company, and so as to vest in the said board of directors and stockholders of said company the same power and authority to deal with its charter as the stockholders and directors of any other corporation organized under the law of the State of Kentucky would have.

§ 4. As it is necessary that the funds shall be provided for the construction of public sewers at as early a date as possible, an emergency is hereby declared to exist, and this act shall take effect upon its approval by the Governor.

Emergency
clause.

Approved March 20, 1902.

CHAPTER 40.

AN ACT to repeal and re-enact an act providing for the creation and regulation of private corporations, which became a law on April 5, 1893, as amended by an act, entitled "An Act providing for the creation and regulation of private corporations," approved March 20, 1900.

Amending and
re-enacting section
625 Ky. Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section eighty-eight of an act, entitled "An act providing for the creation and regulation of private corporations," which became a law on April fifth, one thousand eight hundred and ninety-three, as amended by an act, entitled "An act to amend an act, entitled 'An act providing for the creation and regulation of private corporations,'" approved March twentieth, one thousand nine hundred, and being section six hundred and twenty-five, Kentucky Statutes, be, and the same is hereby, repealed, and the following inserted in lieu thereof, so that the said section will read as follows:

§ 88. The capital stock and accumulations of all insurance corporations may be invested in bonds and mortgages, lien notes or deeds of trust on unencumbered real estate, worth fifty per cent. more than the sum loaned thereon, exclusive of buildings, unless such buildings are insured, and the policy transferred to said company, and continued in force so long as the loan continues, and, also, in the bonds of this State and of other States of the United States, or in the bonds of the United States, and, also in the bonds of any county, city, town, township or school district, of this State or other States of the United States, authorized to be issued by the Legislature thereof, and also in the stocks of incorporated State banks and trust companies, and of National banks of this State and other States of the

Capital stock of
insurance corpora-
tions—how invest-
ed.

United States, and in the bonds of railroads of this State and other States of the United States, and in the bonds or stocks of any bridge, water, street railroad, traction, gas or electric corporations of this State or of other States of the United States, which shall have a market value of not more than twenty per cent. below par, and to lend the same, or any part thereof, on the security of such bonds and stocks, or of bonds and mortgages and deeds of trust as aforesaid; and to change and reinvest the same as occasion may from time to time require; and in all investments made upon mortgage securities the evidence of the debt and the value of the property shall accompany the mortgage. No insurance company shall own more than one-third of the capital of any bank or corporation, nor invest in, nor loan on, the stocks and bonds, both included, of any one railroad company, more than one-seventh of its capital stock and accumulated funds, nor in the aggregate shall the investment in and loan on all railroad property exceed one-half of its capital and accumulated funds, nor invest in nor loan on the stocks and bonds, both included, of any one street railroad or traction corporation more than one-seventh of its own capital stock and accumulated funds, nor in the aggregate shall the investment in and loan on all street railroad and traction property exceed one-half of its capital and accumulated funds, nor shall the loans on mortgage of real estate, exclusive of lien notes, exceed three-fourths of the capital and accumulated funds of any company organized under the laws of this Commonwealth."

§ 2. Insurance companies, chartered by this State, and now doing business, shall not be compelled to change any investment heretofore legally made.

Approved March 20, 1902.

CHAPTER 41.

AN ACT for the benefit of the State Normal School for colored persons.

Whereas, several years ago the State of Kentucky, actuated by a sense of justice towards its colored citizens, established at Frankfort, on grounds donated by the city, an institution for the education and training of colored persons, thus better fitting them for usefulness as teachers in the public schools of the State, and, whereas, the board of trustees have seen fit to increase the usefulness of the institution, by adding to its course of study an agricultural department and training in the various branches of industry. The advantages of said institution are year by year inducing such an increasing attendance that the meager appropriation, providing for its maintenance and proper conduct, is grossly inadequate, as lands needed for the proper operation of said institution have been purchased and a balance of purchase money owing on same remains unpaid, besides an additional dormitory is needed for the female pupils in attendance and a water supply in order to protect its buildings from fire, is necessary; therefore,

Appropriating
money for benefit
of State Normal
School for Colored
Persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of fifteen thousand dollars is hereby appropriated for the purpose of building a dormitory for the use of the female pupils of the State Normal School for Colored Persons, to be paid by the Auditor of Public Accounts out of any money in the treasury not otherwise appropriated on the written order of the chairman of the board of trustees, as the work progresses.

§ 2. The further sum of five thousand dollars annually is hereby appropriated for the support and conduct of said

institution, to be paid by the Auditor of Public Accounts out of any money in the treasury not otherwise appropriated, on the written order of the chairman of the board of trustees at the same time the other annual appropriation is paid.

Approved March 20, 1902.

CHAPTER 42.

AN ACT to amend and re-enact section 37 of an act, entitled "An Act concerning attorneys-at-law, attorney-general, attorney for the Commonwealth, and attorneys for counties," approved October 10, 1892.

Amending section 133 Ky. Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County attorneys. § 1. That section thirty-seven of an act, entitled "An act concerning attorneys-at-law, Attorney-general, attorney for the Commonwealth and attorneys for counties," approved October tenth, one thousand eight hundred and ninety-two, be and the same is hereby amended by inserting after the word "judgments," and before the word "rendered," in the fifth line of said section thirty-seven of said act, and after the word "judgments" and before the word "rendered," in the twelfth line of said section the words "for fines and forfeitures," and re-enacted as amended, so that said section thirty-seven shall read as follows:

“§ 37. In all prosecutions before any police, county judge or other magistrate, when the county attorney is present and prosecutes the offender, he shall receive from the State Treasurer thirty per cent. of all judgments for fines and forfeitures rendered in favor of the Commonwealth, and this shall be in lieu of all taxed fees and perquisites, except that when the judgment is for less than ten dollars, a fee of five dollars shall be taxed as costs and belong to him. In all prosecutions in the circuit court, when

the county attorney is present and assists in the prosecution, he shall receive from the State Treasurer twenty-five per cent. of all judgments for fines and forfeitures rendered in favor of the Commonwealth, and this shall be in lieu of all taxed fees and perquisites, except that when the judgment is for less than twenty-five dollars, a fee of five dollars shall be taxed as costs and belong to him."

Approved March 20, 1902.

CHAPTER 43.

AN ACT to amend an act, entitled "An Act to regulate the practice of pharmacy in the Commonwealth," which became a law March 25, 1898.

Amending an act
which became a
law March 25, 1898

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to regulate the practice of Pharmacy in the Commonwealth of Kentucky, and to establish a board of pharmacy and define the powers and duty thereof," be amended as follows, to-wit:

That section six of said act, which is in words and figures as follows:

"Every person who shall, on or before the first day of July, one thousand eight hundred and ninety-eight, furnish the Kentucky Board of Pharmacy satisfactory proof, supported by his affidavit, that he was engaged in the business of dispensing pharmacist on his own account, in a town or place of less than one thousand inhabitants, in the Commonwealth of Kentucky, at the time of the passage of this act, in the preparation of physicians' prescriptions, and every person who has heretofore had as much as five years' experience in the preparation of physicians' prescriptions, and shall furnish the Kentucky Board of Pharmacy satisfactory proof of such facts, accompanied by his

Repealing section
2024 Ky. Stats.

affidavit showing said fact shall, upon the payment to the board of a fee of two dollars, be granted the certificate of a registered pharmacist, without examination: *Provided*, That in case of a failure or neglect to register as herein provided, then such person shall, in order to be registered, comply with the requirements provided for registration as registered pharmacist herein described," be and the same is now stricken from the said act.

§ 2. That section four of said act be amended as follows:
Amending section 2622 Ky. Statutes.

That the first sentence of said section, which is in words and figures as follows:

"The said board shall meet in the month of October of each year, and organize by the election of a president, secretary, and treasurer from its own members, who shall be elected for the term of one year, and shall perform the duties prescribed by the board," be stricken from said section and in lieu thereof, there be inserted the following words:

"The said board shall meet in the month of October in each year, and organize by the election of a president, secretary and treasurer, who shall be elected for the term of one year and shall perform the duties prescribed by the board. The president and treasurer shall be elected from the members of the board, but the secretary need not be a member of the board."

§ 3. That section seven of said act be amended by striking therefrom the words "in section six" and substituting therefor the word "herein" so that said section when amended shall read as follows:
Amending section 2625 Ky. Statutes.

"Any person not entitled to registration, as provided herein, and who may desire a certificate as registered pharmacist, shall apply to the Kentucky Board of Pharmacy, and shall pay the secretary of the board the sum of five dollars. If the secretary of the board shall find that he has had a practical experience of three years in compounding

physicians' prescriptions and in the general duties of pharmacy, is a person of good moral character and temperate habits, and if after a satisfactory examination they find that he is duly qualified they shall register him, and issue him a certificate as registered pharmacist. Every certificate hereafter issued under this act shall have plainly written, printed or stamped upon the face thereof the words, "Revocable for causes specified by law," and all certificates awarded upon examination shall state such facts upon the face thereof."

§ 4. That section twelve of said act be amended as follows: That the words "or emmenagogue pills, patent or otherwise," be inserted after the word, "abortives" in the fourth sentence of said section, so that the sentence when amended shall read as follows:

"Oil of tansy, oil of savin, ergot, and its preparations, cotton root, and its preparations, and all other active emmenagogues or abortives, or emmenagogue preparations patent or otherwise, shall be sold at retail or dispensed only upon the original written prescription of a legally qualified physician."

§ 5. That after the passage of this act, section seven shall be numbered six; section eight shall be numbered seven; section nine shall be numbered eight; section ten shall be numbered nine; section eleven shall be numbered ten; section twelve shall be numbered eleven; section thirteen shall be numbered twelve; section fourteen shall be numbered thirteen; and section fifteen shall be numbered fourteen.

§ 6. That an additional section to be numbered fifteen shall be added in words and figures as follows:

“§ 15. Cocaine or its salts shall be sold at retail or dispensed only upon the written prescription of a legally qualified physician or dentist, and such prescription shall not be refilled. Each prescription, containing cocaine or its

Amending sec-
tion 2830 Ky. Stat-
utes.

Additional sec-
tion.

Cocaine.

salts, filled by a registered pharmacist, shall have written upon its face the name of the patient, the date it is filled, and the prescription file of each registered pharmacist shall be open to the inspection of the members of the Kentucky Board of Pharmacy, or its authorized inspector. Cocaine or its salts shall be sold at wholesale only to pharmacists registered under this act, and to legally qualified physicians and dentists. Every person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall pay a fine of not less than fifty dollars. Any physician or dentist who shall prescribe, buy for or sell, or dispense to any person for any purpose other than legitimate use, or otherwise deal in cocaine, or its salts than as herein provided, shall thereby render himself amenable to the penalties hereinbefore in this section provided. Any registered pharmacist who violates any of the provisions of this section or who by any subterfuge sells or dispenses cocaine or its salts otherwise than as provided in this section, shall, in addition to paying the fine imposed, on second conviction forfeit his certificate as a registered pharmacist and his name shall be stricken from the register.

Emergency
clause.

§ 7. Whereas, The sale of cocaine without a prescription of a physician is extremely dangerous to the health of the whole community, an emergency is declared to exist and this act shall take effect from and after its passage.

Approved March 20, 1902.

CHAPTER 44.

AN ACT to amend and re-enact sections 22 and 23 of article 11, incorrectly designated article 9, entitled "Public Schools," of an act, entitled "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894. Amending an act approved March 19, 1894.

Amend title by inserting in the first line thereof after the words "section twenty-two," and before the words "of article," the words "and section twenty-three."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections twenty-two and twenty-three of article eleven, incorrectly designated article nine, entitled "Public Schools," of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March nineteenth, eighteen hundred and ninety-four, be and the same is hereby amended by striking out the words "and qualified to vote at any and all elections for members of said board," being the last fourteen words of said section, and inserting in lieu thereof the following words, "but not eligible or qualified to vote at any election for a member or members of said board." So that said section as amended and hereby re-enacted shall read as follows:

Public schools.

“§ 22. All persons possessing the qualifications required by this act to make them eligible to election as members of the board of councilmen shall be eligible to membership in the board of education, and all persons possessing qualifications required by this act, or which may be prescribed by ordinance, in order to vote at elections for city officers, are hereby declared qualified to vote at all elections for members of the board of education, and women who may possess such other qualifications required for males are hereby declared to be eligible as members of said board

Eligible as member of board of education.

of education, but not eligible or qualified to vote at any election for a member or members of said board."

§ 2. That section twenty-three of said article and act be so amended that same as amended and re-enacted shall read as follows:

"§ 23. The election of members of the board of education and the registration of voters for the purpose of such election shall be held in all respects according to the provisions of the general laws governing registration and elections, and no separate poll or voting place shall be required for such registration or election."

Repealing clause. § 3. All laws or parts of laws inconsistent herewith are, to the extent of such conflict, hereby repealed.

§ 4. This act shall take effect as provided by law.

Approved March 21, 1902.

CHAPTER 45.

An act relating to school superintendents for a failure to perform certain duties provided for in section 14, Session Acts 1891-2-3, approved May 9, 1893.
A. & M. College.

Whereas, section fourteen of an act to provide for the efficient management and administration of the Agricultural and Mechanical College of Kentucky, approved May ninth, one thousand eight hundred and ninety-three, makes liberal provisions for the free tuition, free room rent, free fuel and lights and traveling expenses of beneficiaries appointed from the several counties of this Commonwealth as students in said college, thereby virtually bringing the college into every county thereof; and, whereas, said beneficiaries are to be appointed by the superintendent of their respective counties on competitive examinations at a time and place designated by the superintendents; and, whereas, it is the duty of the superintendents to place in every schoolhouse in his county circulars provided and furnished to him by said college, setting forth the benefits

thereof, and method of admission into the same; and, whereas, by neglect in distributing said circulars of information, and failure to designate the time and place for holding competitive examination, many of the counties of the State are inadequately represented in said college, to the detriment and material loss of said counties; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That each failure or neglect on the part of the superintendents of schools in any county in Kentucky to place in such schoolhouse in his county before the fifteenth of May, of each year, a copy of the circulars aforesaid, transmitted by the president of said college for the purpose aforesaid, shall be deemed a neglect of duty; and for each offense an action may be maintained against such superintendent by the trustees of each school within the county where circulars have not been placed according to the law, and upon conviction thereof he shall be subject to a penalty of not less than twenty-five nor more than fifty dollars. Said action may be maintained in the courts of justice of the peace having jurisdiction in the school district or in the county court, and a like penalty shall be incurred by the superintendent for the neglect of duty in appointing a time and place for competitive examination for the selection of beneficiaries in his county according to the provisions set forth in section fourteen of the aforesaid act, approved May ninth, one thousand eight hundred and ninety-three.

A. & M. circulars—duty as to.

§ 2. By reason of many counties being deprived of the benefits of this college, because of the fact that county school superintendents in some counties having failed to make known the provisions of the law, an emergency is declared to exist and this act shall take effect from its approval by the Governor.

Emergency clause.

CHAPTER 46.

Amending sec.
2957 Ky. Stats.

AN ACT to amend an act, entitled "An Act for the government of cities of the first class," and section 173 thereof, approved July 1, 1893, being section 2957 of the Kentucky Statutes, relating to branches of education to be taught in the public schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act for the government of cities of the first class and section one hundred and seventy-three thereof approved July first, one thousand eight hundred and ninety-three, being section two thousand nine hundred and fifty-seven of the Kentucky Statutes relative to the branches of education to be taught in the public schools be, and the same is, hereby amended by adding thereto the following words:

Schools.

Schools may be open as a part of said school system to teach children of the ages of four, five and six by the kindergarten method. Nothing contained in this section shall be construed as affecting in any way the present method of taking the school census or as increasing or reducing the pro rata of the school fund to be received from the State of Kentucky by the school board of cities of the first class, nor to be considered as conflicting with or changing in any way sections one hundred and sixty-six and one hundred and eighty-nine of the act for the government of cities of the first class being now sections two thousand nine hundred and forty-nine and two thousand nine hundred and seventy-four of chapter eighty nine of the Kentucky Statutes. Said section as amended is hereby re-enacted and shall read as follows:

Board to pre-
scribe branches—
manner of chang-
ing.

§2957. The board shall prescribe the branches of education to be taught, and the text books to be used. Text books once adopted shall not be changed, except by the unanimous consent of the board, until notice of said proposed change shall be given and entered upon the records

of the board one scholastic year, and then only by the affirmative vote of not less than two-thirds of the members.

Schools may be open as a part of said school system to teach children of the ages of four, five and six years by the kindergarten method. Nothing contained in this section shall be construed as affecting in any way the present method of taking the school census or as increasing or reducing the pro rata of the school fund to be received from the State of Kentucky by the school board of cities of the first class nor to be construed as conflicting with or changing in any way sections one hundred and sixty-six and one hundred and eighty-nine of the act for the government of cities of the first class, being now sections two thousand nine hundred and forty-nine and two thousand nine hundred and seventy-four of chapter eighty nine of the Kentucky Statutes.

Approved March 21, 1902.

CHAPTER 47.

AN ACT to amend and re-enact an act, entitled "An Act to amend and re-enact section 189 of an act, entitled 'An Act for the government of cities of the first class,' which became a law March 21, 1898, the same being now section 2974 of the Kentucky Statutes."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the section of the statute named in the title of this act be, and the same is hereby amended and re-enacted so as to read as follows, namely: "When a city of the first class establishes and maintains a system of common schools, which all applying for instruction are permitted to attend free of charge, the same shall be deemed one school district for taxation purposes, and entitled to its proportion of the school fund. Such cities

Amending sec.
2974 Ky. Stats.

One school dis-
trict.

Annual report.

shall, through its proper officers deputed for that purpose, make its annual report to the Superintendent of Public Instruction at the time and in a similar manner to that required of trustees of other districts.

Census.

The school board shall also, in the year one thousand nine hundred and two, and every third year thereafter, take the census of children of school age, and make returns thereof to the Superintendent of Public Instruction, at the same time other school trustees are required to make their returns, and for neglect of their duties in that respect the members of said board shall be liable to the same penalties.

**Enumerators,
employment of.**

The secretary of the board shall employ, subject to the approval of the board, a sufficient number of enumerators to take the census within the time required by law and may, subject to the same approval, remove without notice, any enumerator for incompetency, neglect of duty, malfeasance or misfeasance, and at once fill a vacancy arising from this or any other cause; provided, however, that said school board shall be allowed thirty additional days if in their opinion the same is deemed necessary for an accurate and complete census.

Qualifications.

Each enumerator shall be at least twenty-one years of age and a bona fide resident of the ward whose territory or a part of whose territory he is appointed to enumerate, and shall take an oath or affirmation that he will take the census accurately and truly to the best of his skill and ability. The census shall be returned by wards, each block of which shall be enumerated on a separate list or lists, the street and number of residence, if any, of such person so listed, to be given. The list shall be made out in duplicate, one to be filed with the school board and one to be forwarded to the Superintendent of Public Instruction as aforesaid. No enumerator shall take the census of any child not residing in the territory to which he is assigned nor of children who have recently removed into the district and who have

Duties.

been previously reported in the census of pupil children for the year in the district from which they have removed or who have recently removed into the district from another State or county.

Nor shall more than one enumerator be assigned to the same territory. In case any parent, guardian, head of family, master of apprentice, or any person employing, having charge of or harboring any child entitled to school privileges, shall refuse to report to the enumerator any facts required herein necessary to the full and accurate census, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five nor more than twenty-five dollars. Each enumerator shall, when making return of said census to the secretary of the board, make affidavit or affirmation that he has returned the enumeration in accordance with the provisions of this act, to the best of his knowledge and belief, and that such list contains the name of all persons entitled to be enumerated, and no others.

Each oath or affirmation provided for in this section, shall be made a part of the blanks on which the census is taken, and a matter of record in both the office of the school board and that of the Superintendent of Public Instruction. Each enumerator shall be allowed reasonable compensation per diem for his services, to be paid out of the school fund of said city.

Any school officer, or other person appointed as enumerator, or any officer through whose hands the school census required by this act shall pass, who shall knowingly enumerate persons not entitled to be listed, or who shall in any manner, add to or take from the number actually enumerated, shall in addition to being liable to punishment for the crime of false swearing, be deemed guilty of a misdemeanor, and, upon conviction of such offense, shall be fined in any sum not less than five nor more than one

Parent to report
Penalty.

Oath.

Penalty for false
enumeration.

hundred dollars, or imprisoned in the county jail not less than ten nor more than thirty days, in the discretion of the court.

The county superintendent of the county in which such cities are located, shall have no control over the school in such districts, but the same shall be governed in all respects as herein provided.

Years in which
no census is re-
quired.

§ 2. For the years in which no census is required to be taken hereunder; the Superintendent of Public Instruction shall determine the amount of per capita to be paid over to the school board of such cities, by adding annually to the number of children of school age as shown by the next preceding census actually taken, such increase or addition as he may ascertain to be the annual increase of children of school age in the district upon averaging the yearly increase shown by the three actual enumerations next preceding. Provided, however, that the school board or Superintendent of Public Instruction may elect to take an actual census in any of such years, in which case the return of such census shall govern.

Superintendent
biennial report.

The Superintendent of Public Instruction shall in his biennial report give statement of the estimated census for any years included in said report wherein distribution of per capita may have been made upon estimated census, as provided herein, in such manner as to show clearly the actual enumeration upon which such estimates may have been based and the manner in which the estimated census has been computed.

§ 3. This act shall take effect from and after its passage and approval by the Governor, and all laws and parts of laws in conflict with its provisions are hereby repealed.

Approved March 21, 1902.

CHAPTER 48.

AN ACT to authorize the legal voters of the county to vote a school tax for the purpose of extending the terms of the common schools. Authorizing vote for tax to extend school term.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be the duty of the county judge in each county of this Commonwealth, upon a written petition signed by a number of legal voters, who are tax-payers in the county, equal to twenty-five per cent. of the votes cast at the last general election, to make an order on his order book, at the next regular term of said court after he receives said petition, directing an election to be held at the next regular election at the various voting places in said county, upon the proposition of authorizing the sheriff to collect an annual school tax in any sum named in said order, not exceeding fifteen cents on each one hundred dollar's worth of taxable property assessed in said county belonging to either private individuals or corporations, or a poll tax in any sum named in said order not exceeding fifty cents per capita on each male inhabitant over twenty-one years of age residing in said county, or both an ad valorem and a poll tax if so stated in the order, for three years, for the purpose of extending the terms of the common schools in the county. Said order shall be made at least fifty days before such election.

Elections—how obtained.

§ 2. It shall be the duty of the county court clerk to give to the sheriff, or other officer, a certified copy of the order of the judge of the county court, as it appears in his order book, within ten days after said order is made.

County clerk—duty.

§ 3. It shall be the duty of the sheriff, or other officer, to have the order of the county judge published in some weekly or daily newspaper published in the county, for at least thirty days before the election, and also to advertise the

Sheriff—duty.

same, by printed or written hand bills posted in at least three conspicuous places in each voting precinct for the same length of time, but if there be no weekly or daily newspaper published in the county, the printed or written hand bills, posted as before provided, shall be sufficient notice. The said sheriff, or other officer, shall have the advertisement inserted and notices herein provided for posted within ten days after he receives the order of the county judge, and at least thirty days before the election.

Ballots.

§ 4. It shall be the duty of the county clerk in preparing the regular official ballots for use in the various precincts in the county to have printed thereon the following question: "Are you in favor of the common school tax?" and to the right of said question the word "Yes," with a circle beneath it, in which the voter may stamp, and the word "No" with a like circle beneath it. A voter desiring to vote for the tax will stamp with his stencil in the circle under the word "Yes," and a voter desiring to vote against said tax will stamp with his stencil in the circle under the word "No." The regular election officers shall be the officers of this election, and shall make a certificate showing the number of votes cast for and against said tax, at the same time and in the same manner that they make returns of the general election.

Election commissioners.

§ 5. It shall be the duty of the county election commissioners, or the regular canvassing board of the county, to tabulate the vote from the various precincts as shown by the certificates from the same and to make a certificate showing the total number of votes cast for the tax and the total number cast against it in the county, which certificate shall be entered of record in the office of the county court clerk within ten days from the date of the election.

Collection of tax.

§ 6. If it shall appear that a majority of the votes cast at said election on the proposition were cast in favor of said tax, it shall be the duty of the county judge to direct the sheriff to collect the tax, and the order of the county

judge so directing shall be sufficient authority to the sheriff to collect said tax.

§ 7. The tax so voted shall be collected on the assessed value of the property in the county, as ascertained by the assessment made for State and county purposes next preceding the collection of the tax, and shall be collected by the sheriff of the county. The sheriff in the collection of said tax shall be governed in all respects by the law governing the collection of State and county revenue, and he shall be entitled to the same compensation as is allowed for the collection of State and county revenue, and he shall be subject to the same penalties for failure to collect or properly account for the tax as are imposed for such failure in the collection of State and county revenue.

Tax—property
subject to.

§ 8. The sheriff shall pay over the taxes when collected to the county superintendent of schools, and shall take his receipt for same, and shall file said receipt in his settlement with the county court or such person as may be authorized by the county court to make such settlement.

§ 9. The county clerk shall furnish the county superintendent, at the time the sheriff receives his tax books, with an estimate of the probable net amount to be derived from the school tax for the year, and the county superintendent shall direct the board of trustees of each common school district in his county to extend the term such a length of time beyond the five months as the estimate would seem to justify, each teacher to receive the same salary per month for the extended time as he had received from the State for the regular five months' term, and the county superintendent shall pay the salary due each teacher for the extended term on the certificate of the chairman of the board of trustees that the school has been legally taught for such months or fractional parts of months as the term may have been extended. Any difference that may exist between the estimated and the actual amount of such tax

County clerk to
furnish estimate.

Superintendent
to direct extension
of term.

for any year shall be taken into account in the estimate of the following year.

*Salaries—receipt
for.* § 10. The county superintendent shall take separate receipts for all salaries paid out of the county tax fund, and shall make a settlement with the county judge for said county tax fund in the same manner in which he is now required to settle for the State fund.

*When act does
not apply;* § 11. The provisions of this act shall not apply to any city of the first, second, third or fourth class maintaining a system of public schools separate and distinct from the common schools of the county or to any town, village or district that has been organized and is maintaining a system of graded schools under the provisions of the general graded common school law, or any town or village that may be maintaining a system of graded schools by local taxation under a special charter.

*Tax collected—
when.* § 12. No tax shall be collected under the provisions of this act until the calendar year following the date of the election at which the tax was voted, and the first tax collected shall be based on the assessment made in the calendar year in which the tax was voted. When a tax shall have been voted in any county under the provisions of this act, it shall exempt the tax-payers in any common school district from the payment of any tax that may have been voted in the said district for the purpose of extending the school term.

Approved March 21, 1902.

CHAPTER 49.

AN ACT for the benefit of graded common schools.

Schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the rights and powers as to issuing bonds and levying of taxes to pay the principal and interest of same mentioned in section four thousand four hundred and eighty-one of the Kentucky Statutes as amended by the act of the General Assembly, approved March twelfth, one thousand eighteen hundred and ninety-six, Acts one thousand eight hundred and ninety-six, chapter four, and for the purpose therein mentioned, are hereby applied to and conferred upon all graded common schools, maintained by any city of the fifth or sixth class, or any town or school district organized by virtue of a special act of the General Assembly.

The election to take the sense of the voters as to issuing of said bonds and levying said taxes to be held by the board of trustees as provided in said act of one thousand eight hundred and ninety-six.

§ 2. The said act of one thousand eight hundred and ninety-six reads as follows: "Said board of trustees shall provide funds for purchasing suitable grounds and buildings, or for erecting or repairing suitable buildings, or for other expenses needful in conducting a good graded common school in their graded common school district; and to this end they may use such part of the proceeds of said tax as they may deem necessary, and it shall be the duty of said board of trustees, and if, in their opinion, it be necessary, and they are hereby authorized and empowered to order an election and submit to the voters of their respective graded common school districts the question whether or not the trustees thereof shall issue bonds of their respect-

Board of trustees—duty of.

ive common school districts, in any amount not exceeding the limit provided by section one hundred and fifty-seven and one hundred and fifty-eight of the present Constitution of this State, for the purpose of providing suitable grounds, school buildings, furniture and apparatus, for their respective graded common school districts. Provided, that due notice of the election be given by the trustees of their respective districts, by written or printed posters not less than one foot square, signed by the trustees of their respective districts, stating the time, place and hours of said election, posted at not less than six public and conspicuous places in the district, for ten days previous to the day of election, and by one insertion thereof in the newspaper, if any, published in said district. The board shall appoint two judges, a clerk and a sheriff to hold said election, who shall first be duly sworn before acting, and shall be housekeepers and taxpayers, resident in the district for which they are appointed, and one of the judges shall ask of each voter: Are you in favor of the issue of bonds by the trustees of the graded common school of this district, for the purpose of providing suitable grounds, suitable buildings, furniture and apparatus for this district?" and the clerk shall record the answer "Yes" or "No" as given by the voter. If two-thirds of the voters voting at said election vote in favor of the issuing of the bonds, then the trustees of such graded common school district may issue the bonds of said district for any amount not exceeding the constitutional limit, and in conformity with the Constitution of this State. And, for the purpose of meeting the interest on such bonds and create a sinking fund for the payment of the principal thereof, the board of trustees of their respective districts, where the issue of such bonds is voted, are authorized and empowered to levy annually a tax in addition to that already voted, which shall not increase the tax rate for
Election—manner of holding.

school purposes in their respective school districts more than seventy-five cents on each one hundred dollars worth of taxable property within this district. The said bonds may be of any denomination in even hundreds not exceeding one thousand dollars each, running not exceeding thirty years, and bearing interest at the rate of not exceeding six per cent. per annum, payable annually or semi-annually as expressed in said bonds, payable to bearer with interest coupons attached. They shall be signed by the president of said board of trustees, and attested by the secretary thereof, and shall pass by delivery, and shall be redeemable at the option of said board. Said bonds shall be sold by the trustees, or their authorized agent, for the highest price obtainable, but not for less than their face par value and accrued interest, and the proceeds paid over to the treasurer, and applied to the uses and purposes contemplated in this law.

(Acts one thousand eight hundred and ninety-six, chapter four, approved March twelfth, one thousand eight hundred and ninety-six.)

§ 3. By reason of the fact that many of the graded school districts desire to add to or improve their buildings next spring, an emergency is declared to exist, and this act shall take effect from its passage.

Emergency clause.

Approved March 21, 1902.

CHAPTER 50.

AN ACT to provide for an amendment to section 181 of the Constitution of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Providing for
amendment to sec.
181 of the Con-
stitution.

§ 1. That upon the concurrence of three-fifths of all the members elected to each house, the yeas and nays being taken thereon and entered in full in their respective journals, section one hundred and eighty-one of the Constitution of Kentucky be, and it is, amended by adding to said section the following words: "And the General Assembly may, by general laws, only authorize cities and towns of any class to provide for taxation, for municipal purposes, on personal property, tangible and intangible, based on income, licenses or franchises, in lieu of an *ad valorem* tax thereon: *Provided*, Cities of the first class shall not be authorized to omit the imposition of *ad valorem* tax on such property of any steam, railroad, street railway, ferry, bridge, gas, water, heating, telephone, telegraph, electric light or electric power company," so that said section, when so amended, shall read as follows:

"§ 181. The General Assembly shall not impose taxes for the purposes of any county, city, town or other municipal corporation, but may, by general laws, confer on the proper authorities thereof, respectively, the power to assess and collect taxes. The General Assembly may, by general laws only, provide for the payment of license fees on franchises, stock used for breeding purposes, the various trades, occupations and professions, or a special or excise tax; and may, by general laws, delegate the power to counties, towns, cities and other municipal corporations, to impose and collect license fees on stock used for breeding

purposes, on franchises, trades, occupations and professions. And the General Assembly may, by general laws only, authorize cities or towns of any class to provide for taxation for municipal purposes, on personal property, tangible and intangible, based on income, licenses or franchises, in lieu of an *ad valorem* tax thereon: *Provided*, Cities of the first class shall not be authorized to omit the imposition of an *ad valorem* tax on such property of any steam railroad, street railway, ferry, bridge, gas, water, heating, telephone, telegraph, electric light or electric power company."

§ 2. This amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under section two hundred and fifty-six of the Constitution of Kentucky, and under the provisions of the act of May twelfth, one thousand eight hundred and ninety-seven, being section one thousand four hundred and fifty-nine of the compilation of laws known and designated as the Kentucky Statutes.

CHAPTER 51.

AN ACT to regulate the practice of barbering, the registering and licensing of persons to carry on such practice and to insure the better education of such practitioners and insure better sanitary conditions in barber shops, and to prevent the spreading of disease in the State of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person to follow the occupation of barber in all cities of the first, second and third class of this State unless he shall have first obtained a certificate of registration as provided in this act; provided,

Certificate of
registration.

however, that nothing in this act contained shall apply to or affect any person who is now and for the past three years has been actually engaged in such occupation. A person so engaged less than three years shall be considered an apprentice, and at the expiration of three years of such employment shall be subject to the provisions of this act as hereinafter provided.

Board of examiners. § 2. A board of examiners, to consist of three persons is hereby created to carry out the purposes and enforce the provisions of this act. The Governor shall on or before July first, nineteen hundred and two, appoint one barber to serve for one year, one barber to serve for two years and one barber to serve for three years, who, with their respective successors, to be appointed annually thereafter, and to serve for a term of three years, shall constitute a board of examiners of barbers, all of whom shall be practical barbers who have been actually engaged in the business of barbering for at least five years. Each member of said board shall give a bond in the sum of one thousand dollars, with sureties to be approved by the Secretary of State, conditioned for the faithful performance of his duties, and shall take the oath provided by law for public officers. Vacancies in said board shall be filled by the Governor for the unexpired portion of the term.

Powers of board. § 3. Such board shall have power to adopt reasonable rules and regulations prescribing the sanitary requirements of a barber shop in cities of the first, second and third class, subject to the approval of the State Board of Health, and to cause the rules and regulations so approved to be printed in suitable form, and to transmit a copy thereof to the proprietor of each barber shop in cities of the first, second and third class. It shall be the duty of every proprietor, or person operating a barber shop in cities of the first, second and third class

to keep posted in a conspicuous place in his shop, so as to be easily read by his customers, a copy of such rules and regulations. A failure of any such proprietor to keep such rules so posted, or to observe the requirements thereof, shall be sufficient grounds for the revocation of his license, but no license shall be revoked without a reasonable opportunity being offered to such proprietor to be heard in his defense. Any member of said board shall have power to enter and make reasonable examination of any barber shop in cities of the first, second and third class during business hours for the purpose of ascertaining the sanitary conditions thereof. Any barber shop in cities of the first, second and third class in which tools, appliances and furnishings in use therein are kept in an unclean and unsanitary condition, so as to endanger health, is hereby declared to be a public nuisance, and the proprietor thereof shall be subject to prosecution and punishment therefor.

§ 4. Each member of said board shall receive a compensation of three dollars per day for actual service, and ten cents per mile for each mile actually traveled in attending the meetings of the board, which compensation shall be paid out of any moneys in the hands of the treasurer of said board, after an allowance thereof by the board upon an itemized and verified claim therefor being filed with the secretary by the member claiming the same; but in no event shall any part of the expenses of the board or any member thereof be paid out of the State treasury.

Compensation.

§ 5. Said board shall report annually to the Governor a full statement of the receipts and disbursements of the board during the preceding year, a full statement of its doings and proceedings, and such recommendations as it may deem proper looking to the better carrying out of the intents and purposes of this act. Any moneys in the hands of the treasurer of said board at the time of making such report, in excess of five hundred dollars, shall be paid over to the State Treasurer to be kept by him for the

Report.

future maintenance of the board, and to be disbursed by him upon warrants signed by the president and treasurer of said board.

Examinations.

§ 6. Said board shall hold each year throughout the State, at such times and places as it shall designate, at least four public examinations, notice whereof shall be given by publication at least ten days before the holding of any such meeting, in at least one newspaper printed and published in the city of Louisville, and in at least one newspaper printed and published in the county in which said meeting shall be held. Said board is authorized to incur all necessary expenses for the proper discharge of their duties, and pay the same out of any moneys in the hands of the treasurer of the board, or of the funds in the hands of the State Treasurer as aforesaid.

Affidavit and
certificate of bar-
bers now engaged.

§ 7. Every person now engaged in the occupation of barber in cities of the first, second and third class shall within ninety days after the approval of this act file with the secretary of said board an affidavit setting forth his name, residence and the length of time during which and the place where he has practiced such occupation, and shall pay to the treasurer of said board one dollar, and a certificate of registration entitling him to practice said occupation thereupon shall be issued to him.

Examination—
fee.

§ 8. Any person desiring to obtain a certificate of registration under this act shall make application to said board therefor, and shall pay to the treasurer of said board an examination fee of five dollars, and shall present himself at the next regular meeting of the board for the examination of applicants, whereupon said board shall proceed to examine such person, and being satisfied that he is above the age of nineteen years, of good moral character, free from contagious or infectious diseases, that he had either studied the trade for at least three years as an apprentice under a qualified and practicing barber; or that he has studied the trade in a bar-

ber school or schools, as defined by this act, for at least three years, or had practiced the trade in another State for at least three years, and is possessed of the requisite skill in said trade to properly perform all the duties thereof, including his ability in the preparation of tools, shaving, hair cutting, and all the duties and services incident thereto, and is possessed of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said trade; his name shall be entered by the board in the register hereinafter provided for, and a certificate of registration shall be issued to him, authorizing him to practice said trade in cities of the first, second and third class; provided, that whenever it appears that the applicant has acquired his knowledge of said trade in a barber school, the board may subject him to an examination and withhold from him a certificate if it shall thus appear that he is not qualified to practice the said trade.

A barber school is hereby declared to be a school conducted by a suitable person who is authorized to practice the trade of a barber in this State, and in which all instruction is given by competent persons so authorized, and in which the course and period of training shall comply with the rules and regulations of the said board adopted for the government of barber schools.

§ 9. Nothing in this act shall prohibit any person from serving as an apprentice in said trade under a barber authorized to practice the same under this act, nor from serving as a student in any school for the teaching of such trade under the instruction of a qualified barber.

§ 10. Said board shall furnish to each person to whom a certificate of registration is issued, a card or insignia bearing the seal of the board and the signature of its president and secretary, certifying that the holder thereof is entitled to practice the occupation of barber in this State, and it shall be the duty of the holder of such card or insignia to

Barber school.

Apprentice

Card or insignia
to be furnished.

post the same in a conspicuous place in front of his working chair, where it may readily be seen by all persons whom he may serve. Said card or insignia shall be renewed on or before the first day of July of each year, and the holder of said certificate of registration shall pay to the secretary of said board the sum of one dollar for said renewal card or insignia. Upon the failure of any holder of a certificate of registration to apply for a renewal of his card or insignia on or before the first day of July in each year, his said certificate may be revoked by said board, subject to the provisions of section twelve of this act.

Board to keep a register. § 11. Said board shall keep a register in which shall be entered the names of all persons to whom certificates are issued under this act, and said register shall be at all times open to public inspection.

Power to revoke certificate—when. § 12. Said board shall have power to revoke any certificate of registration granted by it under this act for: (a) conviction of crime; (b), habitual drunkenness for six months immediately preceding the filing of a charge with it threfor; (c) gross incompetency; (d) the keeping of a shop or the tools, appliances or furnishings thereof in an unclean and unsanitary condition; (e) failure to comply with the requirements of section ten of this act; provided, that before any certificate shall be so revoked the holder thereof shall have notice in writing of the charge or charges against him, and shall have a reasonable opportunity to be heard in his defense. Any person whose certificate has been so revoked may, at the expiration of ninety days, apply to have the same re-granted, and the same shall be re-granted to him upon a satisfactory showing that the disqualification has ceased. The said board shall have power to summon any person to appear as a witness and testify at any hearing appointed by it touching any such charge preferred against any barber of cities of the first, second and third class, and to examine such witness relating thereto, and shall have the right to administer oaths.

§ 13. Any person practicing the occupation of barber without having obtained a certificate of registration, as provided by this act, or wilfully employing a barber who has not such a certificate, or falsely pretending to be qualified to practice such occupation under this act, or violating any of the provisions of this act, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars, or more than one hundred dollars, or by imprisonment in the county jail not less than ten days or more than ninety days.

Penalty.

§ 14. This act shall take effect and be in force from and after July first, one thousand nine hundred and two.

Approved March 21, 1902.

CHAPTER 52.

AN ACT to amend sections 124 and 125 of an act, entitled "An Act ^{Amending an act} for the government of cities of the first class," approved July 1, 1893.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections one hundred and twenty-four and one hundred and twenty-five of an act entitled, "An act for the government of cities of the first class," approved July first, one thousand eight hundred and ninety-three, which reads as follows:

§ 124. There shall be elected by the general council immediately upon the assembling of the new board, a city attorney, whose duty it shall be to give legal advice to the mayor and members of the general council, and all other officers and boards of the city in the discharge of their official duties. If requested he shall give his opinions in writing, and they shall be preserved for reference. It shall also be his duty to prosecute and defend all suits for

and against the city, and to attend to such other legal business as may be prescribed by the general council. His salary and term shall be fixed by the general council, not to exceed four years."

"§ 125. At the same time and place at which the city attorney is elected, and for the same term, there shall be elected by the general council an assistant city attorney, who shall have the same qualifications as the city attorney, and shall discharge such duties as may be required by the general council and by the city attorney. He shall receive an annual salary of not less than two thousand five hundred dollars, payable as the salaries of other city officers."

Be amended so that said sections shall, when so amended, read as follows:

Attorney cities
first class.

"§ 124. There shall be appointed by the mayor immediately after the expiration of the term of office of the present city attorney in cities of the first class, a city attorney whose duty it shall be to give legal advice to the mayor, members of the general council, and all other officers and boards of the city in the discharge of their official duties, and, if requested, he shall give his opinions in writing, and they shall be preserved for reference. It shall be his duty to prosecute all suits for and defend all suits against the city, and to attend to such other legal business as may be prescribed by the general council. He shall be appointed by the mayor for a term of four years, and may receive a salary not to exceed five thousand dollars per annum, payable in monthly installments and an appointment of a city attorney shall be made by the mayor for a like term every four years after the first appointment."

Duties.

Assistant.

"§ 125. At the same time at which a city attorney is appointed in accordance with the preceding section, there shall be appointed by the mayor for a term of four years, a first assistant city attorney and a second assistant city attorney, who shall be licensed practicing attorneys at law, and shall discharge such duties as may be required of them

by the city attorney, or prescribed by the general council and mayor in the preparation, prosecution and defense of all legal business of the city.

The first assistant city attorney may receive a salary not to exceed three thousand dollars per annum, and the second assistant city attorney may receive a salary not to exceed two thousand five hundred dollars per annum, which salaries shall be payable in monthly installments, and such assistant city attorneys shall be appointed by the mayor every four years after the first appointments herein provided for.

§ 2. That this act shall take effect from and after its passage, but shall not apply to the present city attorney and assistant city attorney in cities of the first class, during their present terms of office, and their powers and duties shall remain during that period as now provided by law.

Approved March 21, 1902.

CHAPTER 53.

AN ACT declaring certain creeks in the State of Kentucky public ditches, and providing for the cleaning out of same. Creeks declared to be public ditches.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter, whenever a public ditch, constructed as provided in the act of July tenth, eighteen hundred and ninety-three, for the drainage of wet lands, chapter seventy-six, article eight of the Kentucky Statutes, as amended by the act which became a law March twenty-third, one thousand nine hundred, without the signature of the Governor, empties into a creek in the State of Kentucky, said creek, from the mouth of said ditch to the mouth of the creek, is hereby declared to be, to all intent

and purposes, a public ditch, and subject to the law as set forth in said act and amended act.

Obstructions.

§ 2. That, hereafter, it shall be unlawful for any person to place any obstructions in said creeks or for the owners of the lands, through or adjacent to which they run, to throw any obstructions of any kind therein or to permit brush or trees of any kind or other growth to grow therein, or to permit same to be obstructed by drift or other things.

Owners to remove obstructions.

§ 3. The owners of the lands, through or by which the creeks run, shall, in March and October of each year, remove from said creeks all growths and obstructions of every kind and keep said creeks free from same. Where the lands on the sides of said creeks are owned by different persons, the owners on each side shall keep the said creeks free from growths, drifts and obstructions of every kind, from the top of the creek bank to the center thereof, where their land touches said creeks.

Water gate.

§ 4. A water gate, properly made, so as the gate will swing freely and permit the passage of water and drift, is not to be construed as an obstruction.

Inspector—appointment of.

§ 5. The judge of each county court shall, in the months of April and November of each year, appoint a suitable person whose duty it shall be to inspect the said creeks in the county for which he was appointed and report to the county judge any and all obstructions found in said creeks. Thereupon the judge of said county shall cause a notice to be served upon the owner of the land upon which any obstruction was found, and notify the said owner of said land to remove same within ten days thereafter, and, upon the failure of the said owner of the said land to remove the said obstructions, the said judge shall cause the same to be removed at the expense of the land owner, which expense shall be certified by the judge of the county court to the clerk of said court, who shall place same, with all his

fees in the case, on the tax books as an assessment on the land of such person, and same shall be a lien upon said land and shall be collected as other taxes.

§ 6. The planting of willows and trees or other growth of any kind along the edge of the creeks, or permitting same to grow or drift or other thing allowed to accumulate in said creeks, shall be deemed an obstruction of said creeks.

§ 7. The person appointed by the county judge to inspect the said creeks shall be allowed by the judge not exceeding two dollars per day while actually engaged in said inspection, to be paid out of the county revenue for that year.

Compensation.

Approved March 21, 1902.

CHAPTER 54.

AN ACT for the protection of birds, their nests and eggs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no person shall within the State of Kentucky kill, catch or have in his or her possession, living or dead, any wild bird other than a game bird, or purchase, offer or expose for sale, transport or ship within or without the State, any such wild bird after it has been killed or caught except as permitted by this act. No part of the plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale. For the purposes of this act the following only shall be considered game birds: The Anatidae, commonly known as swans, geese, brant, and river and sea ducks; the Rallidae, commonly known as rails, coots, mud-hens and gallinules, the Limicolae, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tatlers and curlews; the Gallinae, commonly known as wild turkeys, grouse, prairie chickens,

Birds, etc.

pheasants, partridges and quails; and the species of Columbidae, commonly known as mourning doves.

§ 2. No person shall, within the State of Kentucky, take or needlessly destroy the nest or the eggs of any wild bird other than a game bird, or have such nest or eggs in his or possession, except as permitted by this act.

Penalty.

§ 3. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be fined five dollars for each bird living or dead, or part of bird, or nest or set of eggs or part thereof, possessed in violation of this act; or shall be imprisoned not less than five nor more than thirty days for each offense; or shall be subject to both such fine and imprisonment at the discretion of the court.

§ 4. Sections one, two, and three of this act shall not apply to any person holding a certificate giving the right to take birds, their nests or eggs for scientific purposes, as provided for in section five of this act.

Certificates granted by

Application for.

§ 5. Certificates may be granted by or by any incorporated society of natural history in the State, through such persons or officers as said society may designate, to any properly accredited person of the age of fifteen years or upward; permitting the holder thereof to collect birds, their nests or eggs, for strictly scientific purposes only. In order to obtain such certificate the applicant for the same must present to the person or persons having the power to grant said certificate written testimonials from two well-known scientific men, certifying to the good character and fitness of said applicant to be intrusted with such privilege; must pay to said persons or officers one dollar to defray the necessary expenses attending the granting of such certificates, and must file with said persons or officers a properly executed bond, in the sum of two hundred dollars, signed by two responsible citizens of the State as sureties. On proof that the holder of

such certificates has killed any bird, or taken the nest or eggs of any bird, for other than scientific purposes, this bond shall be forfeited to the State, and the certificate become void, and said holder shall be further subject for each such offense to the penalties provided therefor in section three of this act.

§ 6. The certificate authorized by this act shall be in force only during the calendar year in which issued, and shall not be transferable.

When in force.

§ 7. The English or European house sparrow, great horned owl, sharp-shinned hawk, Cooper's hawk, crow and crow blackbird are not included among the birds protected by this act.

Birds not included.

§ 8. Nothing in this act shall prevent any citizen of the State of Kentucky from destroying birds found injuring fruit or crops on his premises; provided, that such birds when killed shall not be sold or shipped out of the State.

Birds injuring crops.

§ 9. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealing clause.

Approved March 21, 1902.

CHAPTER 55

AN ACT to authorize and to add two additional judges to the circuit court for the Thirtieth Circuit Court District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whereas it appears by the last enumeration that the thirtieth circuit court district has increased in population more than eighty thousand, therefore two additional judges of the circuit court for said thirtieth circuit court district are hereby authorized and added to said court.

Adding two judges in thirtieth district.

§ 2. Such additional judges shall respectively preside over branches of said court to be called common pleas

branch, second division, and common pleas branch, third division.

Election of

§ 3. An election of such additional judges shall be held at the regular election to be held in November, one thousand nine hundred and two. They shall take their seats on the first Monday in January, nineteen hundred and three; shall be commissioned by the Governor and shall preside over branches of the said court to be named respectively, common pleas branch, second division, and common pleas branch, third division; and they shall continue in office until their successors are elected and qualified. Until the first Monday in January, nineteen hundred and three, the places of such additional judges shall be filled by appointment of the Governor. They shall, when appointed, be commissioned by the Governor as judges of the Jefferson Circuit Court, common pleas branch, second division, and Jefferson Circuit Court, common pleas branch, third division, and shall take their seats as soon as they shall have qualified and shall continue in office until their successors are elected and shall have qualified.

Time of electing
six judges.

§ 4. An election shall be held in the thirtieth circuit court district to elect six circuit judges on the first Tuesday after the first Monday in November, nineteen hundred and three, and every six years thereafter, under the general election laws of the Commonwealth; and said judges shall enter upon the duties of their respective offices on the first Monday in January next succeeding their election. They shall be commissioned by the Governor and continue in office until their successors are qualified.

Emergency
clause.

§ 5. Whereas, the dockets of the Jefferson Circuit Court are so overcrowded as to seriously delay the administration of justice in said court; an emergency exists. Therefore, this act shall take effect from and after its passage.

Approved March 21, 1902.

CHAPTER 56.

AN ACT prohibiting the abduction for ransom, and providing a penalty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. If any person or persons shall, forcibly or otherwise, hold any person against their will for the purpose of unlawfully obtaining a ransom for the release of said person or aid or abet any person thus offending, shall, on conviction thereof, be deemed guilty of a felony, and shall be confined in the penitentiary not less than two nor more than twenty-one years. Any person or persons charged with such offense may be tried in any county into or through which the person or child so seized, inveigled, decoyed, kidnapped, abducted or otherwise taken shall have been carried or brought.

Abduction for ransom.

Penalty.

§ 2: This act shall take effect within ninety days after the adjournment of the General Assembly.

Approved March 21, 1902.

CHAPTER 57.

AN ACT to amend an act, entitled "An Act to assign cities and towns of this Commonwealth to the classes to which they belong."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of chapter ninety-nine of the session acts, eighteen hundred and ninety-one - ninety-two - ninety-three, be amended by striking out the words "Paducah, McCracken county," from the list of cities of the third class, and by adding the words "Paducah, McCracken

Changing Paducah to second class.

county," to the list of cities of the second class, so that said section, when thus amended, will read as follows, to-wit:

"§ 1. The cities and towns of this Commonwealth are classified as follows:

First class cities. "First Class—Louisville, Jefferson county.

Second class cities. "Second Class—Lexington, Fayette county; Covington, Kenton county; Newport, Campbell county; Paducah, McCracken county.

Third class cities. "Third Class—Owensboro, Daviess county; Henderson, Henderson county; Frankfort, Franklin county; Bowling Green, Warren county.

Fourth class cities. "Fourth Class—Hopkinsville, Christian county; Shelbyville, Shelby county; Maysville, Mason county; Richmond, Madison county; Winchester, Clark County; Dayton, Campbell county; Paris, Bourbon county; Ashland, Boyd county; Catlettsburg, Boyd county; Danville, Boyle county; Mt. Sterling, Montgomery county; Middlesborough, Bell county; Georgetown, Scott county; Versailles, Woodford county; Harrodsburg, Mercer county; Bellevue, Campbell county; Cynthiana, Harrison county; Mayfield, Graves county; Somerset, Pulaski county; Lebanon, Marion county; Ludlow, Kenton county; Nicholasville, Jessamine county; Pineville, Bell county; Madisonville, Hopkins county; Princeton, Caldwell county.

Fifth class cities. "Fifth Class—Lancaster, Garrard county; Cadiz, Trigg county; Grand Rivers, Livingston county; Franklin, Simpson county; Greenville, Muhlenberg county; Elizabethtown, Hardin county; Louisa, Lawrence county; Russellville, Logan county; Columbus, Hickman county; Glasgow, Barren county; Fulton, Fulton county; South Louisville, Jefferson county; West Covington, Kenton county; Earlinton, Hopkins county; Carrollton, Carroll county; Hickman, Fulton county; Cloverport, Breckinridge county; Bardstown, Nelson county; Augusta, Bracken county;

Stanford, Lincoln county; Lawrenceburg, Anderson county; Williamsburg, Whitley county; Clinton, Hickman county; Midway, Woodford county; Flemingsburg, Fleming county; Barboursville, Knox county; Elkton, Todd county; Falmouth, Pendleton county; Central City, Muhlenberg county; Vanceburg, Lewis county; Morganfield, Union county; Carlisle, Nicholas county; Clay, Powell county; Uniontown, Union county; Campbellsville, Taylor county; Hawesville, Hancock county; Milldale, Kenton county; Eminence, Henry county; Parkland, Jefferson county; Ed-dyville, Lyon county; Leitchfield, Grayson county; Owings-ville, Bath county; Murray, Calloway county; Marion, Crittenden county; Providence, Webster county; Sebree City, Webster county; Wickliffe, Ballard county.

"Sixth Class—All other incorporated towns and cities ^{sixth class cities.} not named in this bill shall belong to the sixth class."

§ 2. Inasmuch as it is necessary for an early assessment of property in the City of Paducah, for the purpose ^{Emergency clause.} of taxation for the present year, nineteen hundred and two, and for the purpose of expediting said matters, an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

Approved March 21, 1902.

CHAPTER 58.

Amending an act AN ACT to amend an act, entitled "An Act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

April 5, 1893, the Governor not having signed or returned the same to the House, in which it originated, within the time prescribed by the Constitution.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April fifth, one thousand eight hundred and ninety-three, the Governor not having signed or returned the same to the House in which it originated within the time prescribed by the Constitution, be, and the same is hereby amended as follows, to-wit:

§ 2. Amend section eighteen, article one, thereof, (Kentucky Statutes, section five hundred and fifty-five) by inserting in the second line thereof, after the words "of this" and before the word "State" the words "or any other;" and in the ninth line thereof after the word "provided" the words ("except the facts required by subdivision five, section two hereof,") so that the section when amended shall read as follows:

"Any two or more corporations organized under this chapter, or the laws of this or any other State, may consolidate into a single corporation; the directors, or a majority of them, of such corporations as desire to consolidate may enter into an agreement signed by them, prescribing the terms and conditions of consolidation, the mode of carrying same into effect, and stating such other facts as are necessary to be set out in articles of incorporation as herein provided (except the facts required by subdivision five, section two, hereof, as well as the manner of converting shares of the old corporation into the new, with such

other details and provisions as are deemed necessary. Provided, that such consolidated corporations shall become and be a domestic corporation of this Commonwealth for all purposes, and shall be subject to the jurisdiction of the courts of this State and to all laws of this State regulating corporations organized thereunder, and their law shall not be construed as altering or repealing any law regulating the taxation of bridges over streams forming the boundary line of this State.

Written notice of the intention to consolidate shall be mailed to the address of each stockholder of each corporation at least twenty days previous to entering into such agreement, and such notice shall be published at least two weeks in some newspaper printed and circulated in the county of its principal place of business, and the written consent of the owners of at least two-thirds of the capital stock of each corporation shall be necessary to the validity of such agreement.

§ 3. Amend section nineteen, article one, thereof (Kentucky Statutes, section five hundred and fifty-six) by inserting after the words "all the," and before the words "property," in the eighth line thereof, the words "rights, privileges, franchises, exemptions;" and by adding to said section at the end thereof the following words: Provided, that no consolidated company formed under this chapter, or the laws of this State, shall be required to pay any organization tax, except that, if in the consolidation the capital stock of the consolidated company be increased, or be thereafter increased to an amount exceeding the aggregate capital stock of the constituent companies at the time of the consolidation, then in that event the consolidated company shall not have or exercise any corporate powers until it shall have paid into the State treasury one-tenth of one per centum upon the amount of said increase and upon such payment shall have filed a statement thereof with the

Amending sec.
556 Ky. Stats.

Secretary of State. If however, any corporation hereafter formed in another State where no organization tax was required to be paid by it shall be consolidated with one formed in this State, then the organization tax required by the laws of this State shall be paid upon so much of the capital stock of the consolidated corporation as shall be equal to the capital stock of the foreign constituent corporation; or if such foreign corporation hereafter formed may have been required by the laws of its State to pay an organization tax less than that required to be paid in this State, then upon such consolidation with a corporation of this State, an organization tax shall be paid equal to the difference between that required of such foreign corporation in the State of its creation and that which would have been required had it been formed in this State." So that the section when amended shall read as follows

"When the agreement is signed acknowledged and recorded in the same manner as articles of incorporation are required to be, the separate existence of the constituent corporations shall cease and the consolidated corporations shall become a single corporation in accordance with the said agreement and subject to all the provisions of this chapter and other laws relating to it, and shall be vested with all the rights, privileges, franchises, exemptions, property, business, credits, assets and effects of the constituent corporations without deed or transfer and shall be bound for all their contracts and liabilities; Provided, that no consolidated company formed under this chapter, or the laws of this State, shall be required to pay any organization tax, except that, if in the consolidation the capital stock of the consolidated company be increased, or be thereafter increased to an amount exceeding the aggregate capital stock of the constituent companies at the time of the consolidation, then in that event the consolidated company shall not have or exercise any corporate powers

until it shall have paid into the State treasury one-tenth of one per centum upon the amount of said increase, and upon such payment shall have filed a statement thereof with the Secretary of State; if, however, any corporation, hereafter formed in another State where no organization tax was required to be paid by it shall be consolidated with one formed in this State, then the organization tax required by the laws of this State shall be paid upon so much of the capital stock of the consolidated corporation as shall be equal to the capital stock of the foreign constituent corporation; or if such foreign corporation hereafter formed may have been required by the laws of its State to pay an organization tax less than that then required to be paid in this State, then upon such consolidation with a corporation of this State an organization tax shall be paid equal to the difference between that required of such foreign corporation in the State of its creation and that which would have been required had it been formed in this State."

§ 4. Amend section one hundred and eighty-nine, article five, subdivision one thereof (Kentucky Statutes, section seven hundred and seventy) by inserting after the words "two or more" and before the word "companies" the word "railroad" and before the word "may" in the second line thereof the words "organized under this chapter or the laws of this or any other State;" and after the word "chapter" in the fourth line of this section the words "as amended;" and by inserting after the word "powers" and before the word "rights" in the fifth line thereof the word "exemptions;" and by inserting after the word "corporations" and before the words "and shall" in the sixth line thereof, the words "and be vested with all the property and assets of the constituent corporations" so that the section when amended shall read as follows:

Amending sec.
770 Ky. Stats.

"Any two or more railroad companies organized under

this chapter or the laws of this or any other State may unless otherwise provided by law, consolidate into a single company in the manner provided by article one, of this chapter as amended and such new corporation shall possess all the powers, exemptions, rights and franchises conferred upon such two or more corporations, and be vested with all the property and assets of the constituent corporations, and shall be subject to all the restrictions and liabilities, and perform all the duties imposed by the provisions of their respective charters or laws of organization not inconsistent with this law."

§ 5. For the reason that there are various enterprises of great public importance awaiting the authority conferred by this act an emergency is hereby declared, and this act shall take effect from and after its adoption.

Approved March 21, 1902.

CHAPTER 59.

AN ACT to amend an act, entitled "An Act to establish houses of reform, one for boys and one for girls, and to provide for the government thereof and make an appropriation therefor."

Amending sec.
2531A Ky. Stats.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sub-sec. 13.

§ 1. That chapter thirty-eight, section thirteen, of the acts of one thousand, eight hundred and ninety-six be amended by adding after word "committed," in the last line thereof, the following: "*Provided*, That the officer conveying such boy or girl to said institution, by order of court, as in this section provided, shall be allowed ten cents per mile, to be calculated by the nearest traveled route, and shall be paid for all actual necessary expenses for feeding, lodging and transporting said boy or girl. After performing such service, the officer shall make out

a full and complete account of all expenses incurred for said service, giving the distance traveled and the actual expense of feeding, lodging and transportation of said boy or girl, which shall be verified by oath, before the circuit court, and certified by the clerk to the Auditor for payment," so that said section, as amended, will read as follows:

"When any boy or girl is brought before any circuit, county or in cities of the first or second class, police court, being under the age of eighteen years, it shall be lawful for such court, or any of them, in its discretion, to commit such boy or girl to said houses of reform for any period of time not exceeding the minority of such child, in the following cases:

"1. Upon complaint of parent or guardian, supported by satisfactory evidence, that by reason of incorrigible and vicious conduct, such boy or girl is not subject to the control of such parent or guardian, or that he or she habitually disobeys the commands of such parent or guardian, or that he or she habitually disobeys the commands of such parent or guardian, or resorts to immoral places and practices, and refuses to attend school or perform labor suitable to his or her capacity, and that by reason thereof his or her welfare and the protection of society demand that such boy or girl be placed under such guardianship as said institutions afford.

"§ 2. Upon complaint made by any peace officer or citizen, supported by satisfactory evidence, that owing to the above reasons, and the further reason that the parent or guardian of such infant is of such immoral character and depraved habits that he or she is incapable or unwilling to exercise the care or discipline necessary, or that, owing to the said moral depravity of the parents or guardian of such infant, he has no suitable home, and is liable to be taught to lead a disreputable and immoral life, and is

consequently a proper subject for the said commitment and guardianship.

"§ 3. Upon conviction in any of the said courts of any crime, penal offense or violation of any law of this State, or ordinance of any city, and the punishment fixed at fifteen days or more imprisonment in the penitentiary, county or city jail.

"§ 4. When any boy or girl under the age of eighteen as aforesaid, shall be arrested, charged with the commission of a crime, a conviction of which would subject him or her to imprisonment, the judge of any of the aforesaid courts before which he or she is brought, may, at any stage of the trial, by the consent and at the request of the accused, or of his or her parent or guardian, arrest the progress of the same and commit the accused to said institutions.

"§ 5. When the grand jury of any county are satisfied that there is sufficient evidence to put the accused on trial for a crime or misdemeanor, he or she being, as before stated, under the age of eighteen years, it may, instead of an indictment, return to the court a report, in writing, recommending such infant to the guardianship of the house of reform; and thereupon, if the court be satisfied from the evidence adduced, that such commitment would be proper, it may order such boy or girl to be committed to said institution for any length of time, not exceeding the minority of said child. And it shall be the duty of the judge of any court sentencing a boy or girl to either of said institutions under this act to certify to the superintendent thereof, the age of the person so committed, as nearly as it can be ascertained, and the cause for which committed: *Provided*, That the officer conveying such boy or girl to said institution by order of the court, as in this section provided, shall be allowed ten cents per mile, to be calculated by the nearest traveled route, and shall be paid for all actual necessary expenses for feeding, lodg-

ing and transporting said boy or girl. After performing such service, the officer shall make out a full and complete account of all expenses incurred for said service, giving the distance traveled and the actual expense of feeding, lodging and transportation of said boy or girl, which shall be verified by oath before the circuit court and certified by the clerk to the Auditor for payment."

§ 2. Owing to the fact that these amendments are needed to justly carry into effect the provisions of the act hereby amended, an emergency is hereby declared to exist, and this act shall become a law after its passage and approval by the Governor.

Emergency clause.

Approved March 21, 1902.

CHAPTER 60.

AN ACT concerning the employes and servants in mining work or industry in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act entitled, "An act concerning the employes and servants in mining work or industry in this Commonwealth, which was received by the Governor March second, one thousand eight hundred and ninety-eight, and became a law at the expiration of ten days without the Governor's approval, be, and the same is hereby repealed, and the following is enacted in lieu thereof:

Repealing sec.
2739A Ky. Stats.

"§ 1. That all persons, associations, companies and corporations employing the services of ten or more persons in any mining work or mining industry in this Commonwealth, shall, on or before the fifteenth and thirtieth days of each month, pay to within fifteen days of the aforesaid fifteenth and thirtieth days, respectively, each servant or

Enacted in lieu
thereof.

employe, in lawful money of the United States, the full amount of wages due each such servant or employe rendering such service, unless prevented by an unavoidable casualty: *Provided, however,* That if at any time of payment any servant or employe shall be absent from his place of labor, he shall be entitled to such payment at any time thereafter on demand.

Approved March 21, 1902.

CHAPTER 61.

Amending sec.
353 Ky. Stats.

AN ACT to amend an act enacted May 1, 1893, of section 2, article 2, and designated in the Kentucky Statutes as section 353, chapter 20, regulating claims upon the treasury.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two, article two, of the act of May first, one thousand eight hundred and ninety-three, chapter twenty, section three hundred and fifty-three of the Kentucky Statutes, regulating claims upon the treasury, be amended by adding at the end of the word "case," in the fourth line of said section, the following words, to-wit: *Provided,* That no allowance shall be made to any county judge, magistrate, police judge or any other official authorized by law to hold examining courts, and no claim for services incidental to examining courts shall be allowed to any sheriff, deputy sheriff, constable, marshal, policeman, or other officer authorized by law to execute warrants and other process in felony cases, until the grand jury of the county in which the defendant is charged with having committed the offense has returned an indictment for felony" so that said section three hundred and fifty-three of the Kentucky Statutes, as amended, shall read as follows:

"To county judges and other magistrates for holding ex-

amining courts in felony cases, for the first day's service, two dollars; for each additional day, one dollar, not to exceed four dollars in any one case: *Provided*, That no allowance shall be made to any county judge, magistrate, police judge or any other official authorized by law to hold examining courts; and no claim for services incidental to examining courts shall be allowed to any sheriff, deputy sheriff, constable, marshal, policeman, or other officer authorized by law to execute warrants and other process in felony cases until the grand jury of the county in which the defendant is charged with having committed the offense has returned indictment for a felony."

Examining courts
fee charged
When.

§ 2. That all laws in conflict or inconsistent with this act Repealing clause. are hereby repealed.

Approved March 21, 1902.

CHAPTER 62.

AN ACT to amend and re-enact section 19 of article 2 of an act, entitled "An Act concerning attorneys-at-law, attorney-general, attorney for the Commonwealth and attorneys for counties," approved October 10, 1892, and being section 115 of the Kentucky Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section nineteen of article two of an act, entitled 'An act concerning attorneys at law, Attorney-general, attorney for the Commonwealth and attorneys for counties, which was approved October tenth, one thousand eight hundred and ninety-two, and being section one hundred and fifteen of the Kentucky Statutes, be, and the same is amended and re-enacted so that the same shall read as follows:

Amending sec.
115 Ky. Stats.

"§ 115. In all actions or proceedings for the collection

or enforcement of claims or demands of the Commonwealth against any other State or against the United States, and in any such action or proceedings in which the Commonwealth may have an in-

Governor to employ counsel. interest or be a party, the Governor shall have power to employ counsel to represent the Commonwealth and to fix the fees therefor, but in actions or proceedings for the collection of money such fees shall not exceed the following on any one claim: Where the amount collected is one thousand dollars or less or when there is no collection made, the fee shall not exceed five hundred dollars; where the amount collected exceeds one thousand dollars, and does not exceed thirty thousand dollars, the fee shall not exceed three thousand dollars, nor fifty per cent. of the amount collected, where the amount collected is over thirty thousand dollars and does not exceed one hundred thousand dollars, the fee shall not exceed ten per cent. of the amount collected, and where the amount collected exceeds one hundred thousand dollars, the fee shall not exceed ten per cent. of the first hundred thousand dollars and five per cent. of the excess over one hundred thousand dollars.

"The Governor may employ counsel to represent the Commonwealth in any case where it is made the duty of the Attorney-general to do so if the Attorney-general be sick or otherwise unable to represent the Commonwealth, and request, in writing, the employment of assistants for the time being. The fees of such assistants so employed shall not exceed three thousand dollars in any case or prosecution.

Fees—how paid. "The fees of all counsel employed under the provisions of this section shall be paid out of the State treasury upon the voucher of the Governor, and in all cases the compensation or fee shall be agreed upon before or at the time the employment is entered into. The Governor shall not employ counsel to represent the Commonwealth in any case

where it is made the duty of the Attorney-general to do so, except as herein provided; nor shall any other State official employ counsel to represent the Commonwealth in any action in which the Commonwealth is interested which may be brought or pending in the Franklin Circuit Court," except as may have been or may be provided by law.

Approved March 21, 1902.

CHAPTER 63.

AN ACT to amend certain sections of the Common School Law, and providing for the more efficient management of the common schools.

Amending cer-
tain sections of
school law.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act to provide for an efficient system of common schools throughout the State, approved July sixth, one thousand eight hundred and ninety-three, be, and the same is hereby, amended as follows, to-wit: By striking from the seventh section of said act the words, "one such examination shall be held in each county on the last Thursday in January, and another on the last Thursday in June each year," and inserting in lieu thereof the words, "one such examination shall be held in each county on the last Friday and Saturday in January, and another on the second Friday and Saturday in May of each year." Said section when amended will read as follows:

"Whenever a pupil of any common school shall have faithfully completed the prescribed course of study, shall have passed a proper examination before the county board of examiners, on a series of questions prescribed by the State board of examiners, and paid to the said county board an examination fee of one dollar, he shall be enti-

Amending sec.
4869 Ky. Stats.

ted to a certificate of such completion and examination, signed by said county board and approved by the Superintendent of Public Instruction, who shall affix thereto his official seal. The Superintendent of Public Instruction shall prepare a proper form for said certificate. One such examination shall be held in each county on the last Friday and Saturday in January, and another on the second Friday and Saturday in May of each year."

§ 2. By striking from the fourteenth section of said act the words, "on or before the first of October two-fifths of the whole amount; on or before the first of November, one-fifth of the whole amount; on or before the first of December one-fifth of the whole amount, and on or before the first of January, the residue, including the undistributed surplus and interest on the county bond," and inserting in lieu thereof the words, "on or before the first of October, one-fifth of the whole amount; on or before the first of November, one-fifth of the whole amount; on or before the first of December, two-fifths of the whole amount, and on or before the first of January, the residue including the undistributed surplus." Said section, when amended will read as follows:

Amending sec.
4276 Ky. Stats.

"For each school year the Auditor of Public Accounts shall, on the successive warrants of the Superintendent of Public Instruction, distribute the amount of the school fund due each county to its county superintendent of common schools, and the amount due each city, town or village, organized as one district, to the treasurer of the school board thereof as follows: On or before the first of October, one-fifth of the whole amount; on or before the first of November, one-fifth of the whole amount; on or before the first of December, two-fifths of the whole amount, and on or before the first of January, the residue, including the undistributed surplus.

§ 3. By adding to section forty thereof the following

words: "Said bond shall be given in duplicate, one copy to be kept on file in the office of the county clerk, and the other to be forwarded by the county clerk, to the Superintendent of Public Instruction. It shall be the duty of the county clerk in forwarding the bond made by the county superintendent at the time of assuming the duties of his office to also forward to the Superintendent of Public Instruction a certified copy of the order of the court inducting the said superintendent into office." Said section when amended, will read as follows:

"Before entering upon the discharge of his duties, each county superintendent must enter into a covenant before the county court of the county, to the Commonwealth of Kentucky, with sufficient security, in not less than the full amount of school fund that may be due the county from all sources, for that entire school year, to be approved by the court, for the faithful discharge of his duties, and the said bond shall be renewed each year. Said bond shall be given in duplicate, one copy to be kept on file in the office of the county clerk, and the other to be forwarded, by the county clerk, to the Superintendent of Public Instruction. It shall be the duty of the county clerk, in forwarding the bond made by the county superintendent at the time of assuming the duties of his office, to also forward to the Superintendent of Public Instruction a certified copy of the order of the court inducting the said superintendent into office."

§ 4. By striking from the forty-eighth section of said act the words, "previously to the first day of September," and inserting in lieu thereof the words, "on or before the first day of August." Said section, when amended, will read as follows: "He shall, on or before the first day of August, prepare and mail, and cause to be placed in the hands of the Superintendent of Public Instruction, his official report, showing in tables of details and aggregates, the school dis-

Amending sec.
4402 Ky. Stats.

Amending sec.
4410 Ky. Stats.

tricts of his county by number, the names and addresses of trustees of each district, with date at which each one's term expires; the districts in which schools were taught, and the length of time taught; the highest, lowest and average number of children at school; the cost of tuition of each child for the session and per month; the number of private schools, academies, and colleges taught in the county, and length of session of the same; the number of teachers employed—male, female and total,—for the common schools; the average wages of male teachers, female teachers, and of total teachers per month; the name and address of teachers resident in his county, with grades of certificate of each; the amount of money raised for common school purposes in the county, by local tax or otherwise, and for what the same was disbursed; the number and kind of school houses, and the value of each, the number of school houses built, and the value of each; the number of district libraries; also county library, if any, and number of volumes in each, and the increase during the year; the amount he has received for official compensation and expenses. For willful failure to be present at his office at the time appointed to receive reports, or for failing to make the reports herein required, he shall be fined a sum not exceeding fifty dollars."

Amending sec.
419 Ky. Stats.

§ 5. By striking from section fifty-seven of said act, as amended by act of eighteen hundred and ninety-four, the words, "two hundred and fifty dollars," and inserting in lieu thereof the words, "four hundred dollars." Said section, when amended, will read as follows: "For all the services rendered and the expenses incurred by the county superintendent under the provisions of this law, he shall be allowed a salary annually by the fiscal court of his county, based on the number of children reported in the census report of the district trustees of such county; which salary shall not be less than eight cents nor more than

twenty cents for each pupil child thus reported. Before the court shall allow the salary, it shall be satisfied, from the statement subscribed and sworn to by the superintendent, and from such other evidence as may be adduced, that he has visited the schools of the county, and that the said services have been faithfully and efficiently performed according to law. Said salary shall be paid out of the county levy as the salary of the county judge is now paid; and, in his report to the Superintendent of Public Instruction, he shall state the full amount allowed him by the fiscal court for his official services; provided, however, that no salary shall be less than four hundred dollars nor greater than fifteen hundred dollars. In fixing the salary of the said superintendent, no child shall be counted or enumerated who is under a city school superintendent of a city of the first, second, third or fourth class. The fiscal court shall furnish the county superintendent with a suitable office, free of charge, large enough to accommodate the county teachers' library."

§ 6. By adding to section fifty-nine of said act, as amended by act of eighteen hundred and ninety-four, the words, "It shall be the duty of the county clerk to forward a certified copy of said settlement to the Superintendent of Public Instruction." Said section, when amended, will read as follows: "Each county superintendent, when he resigns, vacates, is removed or goes out of office, shall immediately thereafter deliver to his successor or to the county clerk for him, any money property books, effects or papers remaining in his hands as county superintendent, and within ten days shall settle with the county court, and for a failure to do so shall be fined not less than fifty dollars nor more than one hundred dollars. It shall be the duty of the county clerk to forward a certified copy of said settlement to the Superintendent of Public Instruction."

Amending sec.
4421 Ky. Stats.

§ 7. By striking from the seventy-eighth section of said

Amending sec.
4440 Ky. Stats.

act, as amended by act of eighteen hundred and ninety-four, the words, "If the trustees of any common school district fail, for the period of one year after the building of the school house has been properly ordered, to have a good and sufficient school house in their district, equipped with the furniture and apparatus herein prescribed, each of them shall be guilty of a misdemeanor. The county superintendent shall report such failure to the grand jury at its next meeting, and, upon indictment and conviction, each of said trustees shall be fined not less than twenty-five nor more than one hundred dollars, unless he can show a good and satisfactory reason for such failure," and by inserting after the word "failure" in line ten the following words, "and to further amend said section by inserting after the word "indebtedness" the following: "But said additional tax shall not exceed twenty-five cents *ad valorem*, nor one dollar per capita for any one year." Said section when amended will read as follows: "Whenever the county superintendent notifies the trustees, in writing, that a school house, or the inclosures thereof, has been condemned, and needs repairing or additions, or that the furniture or apparatus is insufficient, or, in any case, it becomes necessary to purchase a site to build a new school house, then, if there be no funds available for such repairing or purchasing, the trustees shall levy a capitation tax not exceeding one dollar per school year, for four years, on each male over twenty-one years of age, or an *ad valorem* tax, not exceeding twenty-five cents on each one hundred dollars' worth of taxable property in the district per school year, or both a capitation and an *ad valorem* tax, to be collected as provided in section seventy-nine; and such tax shall be applied to the repairing or making additions, or to the purchase of a site, and the erection and furnishing of a school house adapted to the wants of said district, or to the equipment of the school house with furniture or illustra-

tive apparatus. In cases of an emergency, the trustees of a district may, in their corporate capacity, borrow a sufficient sum of money to repair or erect and furnish a school house: *Provided*, The sum so borrowed shall not exceed an amount that can be paid off in four years at the rate of taxation set forth in this section: *And, provided, further*, That in districts in which school houses have been built, when a three-year tax was levied and collected and proved insufficient, and where there is any part of the cost of construction of such school house or purchasing site upon which to build, or for school furniture, remaining unpaid, the trustees shall levy an additional tax sufficient to pay off all indebtedness; but said additional tax shall not exceed twenty-five cents *ad valorem* nor one dollar per capita for any one year. In all suits arising in the collection of taxes under this chapter, the county attorney shall act as attorney for the trustees, and shall receive for such service such compensation as may be allowed by the fiscal court. The amount collected from said district shall be paid out on the order of the trustees. Each school house, including the site, furniture, and apparatus, shall have a property value of not less than one hundred and fifty dollars. Each school house hereafter erected shall have a floor space of not less than ten square feet to each pupil in the district; shall be at least ten feet between floor and ceiling; shall have at least four windows, one or more fireplaces, with chimneys, made entirely of brick or stone, or a sufficient number of stoves or other heating apparatus, with safe flues, to warm the room in coldest weather, one or more doors, with locks and keys, which shall be kept during the vacations by the chairman of the trustees, who shall be liable for any damage occurring on account of neglect. The trustees shall furnish each school house with at least the following articles of furniture and apparatus, and the teacher shall at the close of the school of each

year, deliver a complete inventory of the said articles to the chairman of the trustees: Teacher's desk and chair; a seat, patent or otherwise, with back, for each child, the height of the seat and its back to suit the age of the child; no desk or bench to be made to accommodate more than two children; writing desks for all the pupils; blackboard space of at least fifty square feet; water stand; and the trustees may furnish gong or call bell; terrestrial globe; wall map of the world; wall map of the United States, and a wall county map of Kentucky, and such charts upon reading, writing, physiology, and so forth, as the trustees may select; and the trustees are authorized to have said houses and furniture insured against damage by fire or other casualty, the expenses incurred from such insurance to be paid out of the funds raised for general district purposes."

§ 8. By striking from the ninety-fifth section of said act the words, "the proceeds of such tax shall be expended for any of the objects herein specified, and for no other object, the extension of the common school for a longer term, the better payment of the teacher thereof," and inserting in lieu thereof the words, "the proceeds of such tax shall be expended for any of the following purposes: Purchasing lot, building, repairing or furnishing, or supplying the same with illustrative apparatus; the liquidation of any debt that may have been incurred prior to the passage of this act in purchasing lot, erecting a house or supplying same with suitable furniture and apparatus; the extension of the school term; supplementing the salary of the teacher: *Provided*, That the purpose or purposes for which the tax is to be used, shall be set out with exactness in the notices advertising the election: *And, provided, further*, That when one of the purposes set out in the notices is the erection and furnishing of a school house, and two-thirds of all the persons voting on the proposition vote in favor of the tax, such election shall authorize the

Amending sec.
4450 Ky. Stats.

trustees, in their corporate capacity, to borrow a sum of money sufficient to erect and furnish a school house: *Provided*, The sum so borrowed shall not exceed an amount that can be paid in three years, at the rate of taxation set forth in the notices advertising the election." Said section, when amended, will read as follows: "The question of district taxation may be submitted to the legal voters of the district every school year, but when the amount, object and length of time are distinctly stated to the voters, the tax may be voted at one election, to continue three successive years. The proceeds of such tax shall be expended for any of the following purposes: Purchasing lot, building, repairing or furnishing the school house, or supplying the same with illustrative apparatus; the liquidation of any debt that may have been incurred prior to the passage of this act in purchasing lot, erecting a house or supplying same with suitable furniture and apparatus; the extension of the school term; supplementing the salary of the teacher: *Provided*, That the purpose or purposes for which the tax is to be used shall be set out with exactness in the notices advertising the election: *And, provided, further*, That when one of the purposes set out in the notices is the erection and furnishing of a school house, and two-thirds of all the persons voting on the proposition vote in favor of the tax, such election shall authorize the trustees, in their corporate capacity, to borrow a sum of money sufficient to erect and furnish a school house: *Provided*, The sum so borrowed shall not exceed an amount that can be paid in three years at the rate of taxation set forth in the notices advertising the election.

§ 9. By striking from the one hundred and fortieth section of said act the words, "During the institute there shall be a suspension of such schools as are in session, but no reduction of the teacher's salary shall be made on account of such suspension, except as hereinafter provided.

The time of actual attendance upon the institute in days and parts of days shall be accredited to the teacher if the institute be held during the session of his school," and inserting in lieu thereof the words, "During the institute there shall be a suspension of all schools in session, but such suspension shall not deprive the district of any part of the full session of actual teaching." Said section, when amended, will read as follows: "Every teacher of a common school, including teachers of the graded common schools in cities of the fifth and sixth classes who hold a state diploma, State certificate or county certificate, or who contemplate applying for a certificate of qualification to teach in the common schools, shall attend the full session of the institute in his home county, unless he is teaching in another county in which the institute is yet to be held, or has attended the institute of a county in which he has a contract to teach. If teaching in a county other than his home county, whose institute is yet to be held, he must attend the full session of the latter. The county superintendent shall revoke the certificate of any teacher who shall fail or neglect to attend the full session of the institute, unless the superintendent shall be fully satisfied that such failure has been caused by actual sickness or other disability. After the county institute has been held, it shall be unlawful to grant any person a certificate to teach at any time during that school year, unless the said person shall have attended the full session of the institute of that or some other county during that school year, or unless the county superintendent shall be fully satisfied that the failure to attend the institute has been caused by sickness or other disability. During the institute there shall be a suspension of all schools in session, but such suspension shall not deprive the district of any part of the full session of actual teaching. At the close of the institute the county superintendent shall give

Amending sec.
4510 Ky. Stats.

to each teacher or other person in attendance a certificate of the number of days and parts of days that the teacher or other person has attended, which certificate of attendance shall be filed by the teacher with the chairman of the board of trustees of the district, who shall make report thereof to the county superintendent at the time of reporting the school.

§ 10. Whereas, The school interests of the State demand that these amendments should become operative at once this act shall go into effect when approved by the Governor.

Approved March 21, 1902.

CHAPTER 64.

AN ACT concerning circuit courts having six judges.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in every district entitled to six circuit judges each office of circuit judge shall be voted for separately. The ballots shall specify as follows: For judge of the circuit court, criminal branch; for judge of the circuit court, chancery branch, first division; for judge of the circuit court, chancery branch, section division; for judge of the circuit court, common pleas branch, first division; for judge of the circuit court, common pleas branch, second division; for judge of the circuit court, common pleas branch, third division.

The person receiving the largest number of legal votes, marked criminal branch shall be elected; and, in like manner, persons receiving respectively the largest number of legal votes marked chancery branch, first division; chancery branch, second division; common pleas branch, first division; common pleas branch, second division; common

Circuit courts
having six judges—
voted for separate-
ly.

Ballots.

Who elected.

pleas branch, third division, shall be respectively elected. In case of a tie in any of said elections the result shall be decided as in case of a tie vote between two or more candidates for a single office.

Applies to va-
cancies.

§ 2. This act shall apply to the filling of vacancies in the office of circuit judges of such district.

Commissioned—
compensation.

§ 3. Each of said judges shall be commissioned as a circuit judge for the district for which he is elected, and shall have all the powers of a circuit judge, and shall receive the same compensation.

Names of
branches.

§ 4. Every circuit court in the Commonwealth having six judges shall have six branches to be named respectively criminal branch, chancery branch, first division, chancery branch, second division; common pleas branch, first division; common pleas branch, second division; common pleas branch, third division.

Continuous ses-
sion.

§ 5. Every such court shall have continuous session.

Jurisdiction—
how divided.

§ 6. Of cases wherein the jurisdiction of such court all criminal prosecutions and proceedings on bail bonds and recognizances in criminal cases shall be brought and prosecuted in the criminal branch. Litigation prosecuted in the other branches shall be divided between them according to rules of court to be made in general term. Until such rules are made, whenever twelve equitable actions or special proceedings are unassigned, the clerk shall, in the presence of one of the six judges, write the style or number of each of said causes upon a separate card or slip of paper and place the said twelve cards or slips in a box or receptacle therefor prepared, and the judge shall, in person, draw them indiscriminately therefrom, one at a time, and assign them to the several divisions, giving to the chancery branch, first division, the first six drawn; to the chancery branch, second division, the next six drawn; and whenever twelve actions or special proceedings not equitable are unassigned, said judge shall, in person, in like manner, draw and assign them to the three divisions of the common pleas

branch, giving to the first division the first four drawn, to the second division the next four drawn, and to the third division the last four drawn.

Statements of said drawing shall be at once made in writing in ink, and signed by the judge in duplicate, one to be by the judge and one by the clerk. When an action is assigned according to law to its proper division, the clerk shall stamp the name of said division upon all pleadings filed, and thereafter pleadings filed in said case shall indicate the division in which they are filed.

No rule of court shall assign more law causes to one or the other of the common pleas branches nor more equity causes to one or the other of the chancery branches.

Until said causes or proceedings are so assigned, any order or orders required therein may be made by any one of said six judges.

§ 7. Each judge of the said court shall preside over the branch of the court to which he is elected during his entire term of office, except as hereinafter provided. The judge elected by ballots marked criminal branch, first division, shall, during his entire term, preside over the criminal branch; the judge elected by ballots marked chancery branch, first division, shall, during his entire term, preside over the first division of said branch; the judge elected by ballots marked chancery branch, second division, shall, during his entire term, preside over the second division of said branch; the judge elected by ballots marked common pleas branch, first division, shall, during his entire term, preside over the first division of said branch; the judge elected by ballots marked common pleas branch, second division, shall, during his entire term, preside over the second division of said branch; the judge elected by ballots marked common pleas branch, third division, shall, during his entire term, preside over the third division of said branch.

Each judge shall preside over the branch to which he is elected.

When a vacancy is filled the judge appointed or elected

to fill the same shall preside over the branch and division presided over by the judge whose place has become vacant; and if more than one vacancy is filled at any election, the judges so filling them shall preside over the branches respectively designated by the ballots electing them.

§ 8. Rules of general term shall provide for transfer of cases or issues from one branch to another branch, or from one docket of a branch to another docket of the same branch, where, by reason of the nature of the cause or issue, or the disability of the judge, such transfer may be proper. But no transfer shall be made of criminal causes, and in such causes, and in causes which have been once transferred, if the presiding judge cannot sit, a special judge shall be chosen by the attorneys of the court in attendance, not interested nor of counsel, to preside; and such special judge shall have the same qualifications and powers as a circuit judge.

§ 9. No proceedings in such court shall be invalid because prosecuted in the wrong branch thereof.

§ 10. When, for any cause, the judge presiding over any branch of such court fails to attend, the judge presiding over any other branch may attend and hold said court for the occasion; if no judge presiding over any branch of such court attends, the attorneys of said court in attendance thereon shall elect one of their number, having the qualifications of a circuit judge, to hold court for the occasion. Such special judge shall have the powers of a circuit judge.

§ 11. Any judge presiding over one branch of said court may, upon the request of a judge presiding over another branch of said court, hear and determine any case or question in such other branch pending; the request shall be entered on the order book of the branch in which such case or question is pending.

§ 12. There shall be summoned by the sheriff of the county twelve grand jurymen, to attend on the first Monday of the next month, excepting the month of September, when

they shall attend on the third Monday (excepting July and August) the criminal branch of such court.

§ 13. Bail bonds shall provide for the appearance of the accused on a day certain; and summons in criminal cases shall require the appearance on the first Monday of some month named therein.

Bail bonds.

§ 14. In all criminal or penal cases in which an act is required to be done, or motion made, or case set for trial at a given term by the law applicable to courts having terms, such act shall be done or motion made or case set for trial on a day of a corresponding month, as if each month, beginning with the first Monday of a calendar month and ending with the Saturday before the first Monday of the next calendar month, were a term.

§ 15. The judge of the circuit court presiding in the criminal branch of the circuit court of each judicial district of this Commonwealth, having five or more judges, may, in his discretion, appoint an official interpreter, who shall be appointed for a term of four years, and until his successor is appointed and qualified.

Official inter-
preter.

§ 16. No person shall be eligible to the position of official interpreter who is not able to speak fluently the English and German languages, and to interpret one of these languages into the other.

Eligibility.

§ 17. It shall be the duty of said interpreter to be present at all sessions of the criminal branch of said circuit, and to interpret the evidence or statements of parties or witnesses in said court when directed to do so by the judge thereof.

Duty.

§ 18. Before entering upon his duties as such interpreter, he shall be required to take the oath required of all officers of this Commonwealth, and shall further swear that he will, to the best of his ability, true interpretation make in all matters and controversies in said court wherein he is directed to interpret.

Oath.

§ 19. The said interpreter shall receive an annual salary,

Salary.

to be fixed by the presiding judge of said criminal branch of such circuit court, not to exceed the sum of six hundred dollars, to be paid in monthly installments out of the county treasury.

§ 20. The said court shall, in general term, make rules of said court, and shall have power, from time to time, to change such rules. Such rules shall be binding on each branch of said court until changed in general term.

A general term of said court shall be held on the first Mondays in January and July in every year, and also at such other times as the court shall, by rule, appoint; and all appointments of commissioner and receiver shall be made in general term by order entered on the order book of the said court. General terms of the said court may also, in writing, be called from time to time by any three of the judges.

Besides the order books and the judgment books of the several branches of said court, the clerk of said court shall keep an order book of the general term, wherein shall be entered all rules made and other business transacted at general terms.

§ 21. Such courts shall have control over its judgments for sixty days as circuit courts having terms have over their judgments during the term in which they are rendered.

§ 22. Such court may, in actions for sale of real property, determine summarily, with or without written pleadings, the amount of any State or municipal tax or assessment upon the property to be sold, and shall provide for the payment of the same in the judgment; and if the plaintiff fail to ask therefor, the purchaser shall be entitled, at any time before payment of the purchase price, to a credit for the amount thereof.

Commissioner
and receiver.

§ 23. The regular judges at any general term of the court, any four concurring, shall appoint a commissioner and a receiver of the court, who shall hold their office during four

years, unless removed, as they may be, at the pleasure of the court in general terms, any four of the regular judges concurring. The commissioner shall discharge the duties and have the powers appertaining to the office of a master in chancery and as provided by law and the rules of the court. The receiver shall receive, care for and deposit all the moneys and property that may be paid or deposited into court, and shall disburse the same upon the orders of the court as provided by law and the rules of the court. Before entering upon the discharge of their duties, the commissioner and the receiver shall appear in open court, execute bond according to law and take an oath that they will honestly, impartially and to the best of their judgment discharge all the duties of their offices without favor or respect of persons, and render true and just reports and accounts of their actions and doings as such.

§ 24. An action on the official bond of the clerk, commissioner, receiver or depository of the court may be brought in said court as other actions of which it has jurisdiction.

§ 25. Any person interested may sue on any of the bonds mentioned in the preceding sections of this act for a breach thereof; and any branch of the court may, by rule and attachment against the obligors therein, enforce their performance.

§ 26. Transfers may be made between said branches in all cases in which a common fund is involved in litigation either by way of attachment or otherwise, so that the distribution of the fund may be under the control of one branch of the court.

§ 27. In all districts where by law the number of circuit judges has been or shall be increased from four to six, and as soon as the additional judges shall be elected and qualified, the judges of the several branches of the court, previously composed of four judges, shall, during the remainder of their terms, preside over the several branches of such courts composed of six judges as follows: The judges

of the chancery divisions of such courts, composed of four judges, shall preside over the first divisions of the chancery branches of such courts composed of six judges; the judges of the law and equity divisions of such courts, composed of four judges, shall preside over the second divisions of the chancery branches of such courts composed of six judges; the judges of the common pleas divisions of such courts, composed of four judges, shall preside over the first divisions of the common pleas branches of such courts composed of six judges; the judges of the criminal divisions of such courts, composed of four judges, shall preside over the criminal branches of such courts composed of six judges; and the two judges added to such courts, previously composed of four judges, shall preside over the second and third divisions of the common pleas branches respectively of such courts composed of six judges.

§ 28. Whenever the number of judges of a circuit court shall have been increased from four to six, all causes then pending shall be thereafter respectively determined in the branches presided over by the judges before whom such causes were pending in the courts having four judges, subject, however, to the other provisions of this act as to their being heard and determined by request.

Emergency
clause.

§ 29. Whereas, re-arrangements of the dockets of the different branches of said courts are immediately necessary, in order to prevent confusion, an emergency exists. Therefore, this act shall take effect from and after its passage.

Approved March 21, 1902.

Pages 147-150 is Library Act for 4th Law

CHAPTER 66.

AN ACT to make it unlawful for a person to fraudulently dispose of the property of another, and to provide a punishment therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person who shall sell, dispose of or convert to his or her own use or the use of another, any money, property, or other thing of value without the consent of the owner thereof, shall be punished by confinement in the penitentiary for not less than one nor more than five years; if the money, property, or other thing of value so sold, disposed of or converted to his or her own use be of the value of twenty dollars or more; or be confined in the county jail for not less than one nor more than twelve months if the value be less than twenty dollars.

Approved March 21, 1902.

CHAPTER 67.

AN ACT to amend an act, entitled "An Act to establish houses of reform, one for boys and one for girls, and to provide for the government thereof and making an appropriation therefor," ap-
proved March 21, 1896, by repealing section 13 with the sub-sec-
tions thereof, and substituting for said section the provisions of
this act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section thirteen, including subsections one, two, three, four, and five, under said section of an act, entitled "An act to establish houses of reform, one for boys and one for girls, and to provide for the government thereof and making appropriations therefor," be and the same is hereby repealed, and the following substituted therefor,
to-wit:

§ 13. Boys and girls may be committed to said house of reform for any period of time not exceeding the minority of said child in the following cases:

1. Upon conviction in any of the courts of this Commonwealth of a felony or misdemeanor.

2. When any boy or girl under the age of eighteen, as aforesaid, shall be arrested, charged with the commission of a crime, a conviction of which would subject him or her to imprisonment, the judge of any of the aforesaid courts before which he or she is brought, may, at any stage of the trial, by the consent and at the request of the accused, or of his or her parent or guardian, arrest the progress of the same and commit the accused to said institutions. When any one is convicted and sentenced under this law, the superintendent or authorities shall take said person and keep them in said institution as stated in the judgment of conviction and shall not be allowed the discretion of refusing to receive said persons so convicted.

3. When the grand jury of any county are satisfied that there is sufficient evidence to put the accused on trial for a crime or misdemeanor, he or she being, as before stated, under the age of eighteen years, it may, instead of an indictment, return to the court a report, in writing, recommending such infant to the guardianship of the house of reform; and thereupon, if the courts be satisfied from the evidence adduced, that such commitment would be proper, it may order such boy or girl to be committed to said institution for any length of time, not exceeding the minority of said child. And it shall be the duty of the judge of any court sentencing a boy or girl to either of said institutions under this act to certify to the superintendent thereof the age of the person so committed, as nearly as can be ascertained, by testimony taken under oath, and the cause for which committed.

All laws and parts of laws in conflict herewith are hereby repealed.

This act shall take effect within ninety days after the adjournment of the General Assembly.

Approved March 21, 1902.

CHAPTER 68.

AN ACT to amend and re-enact, as amended, section 1 of an act, ^{Amending sec.} 2035A Ky. Stats. entitled "An Act to provide for the operating expenses of the Houses of reform," approved March 15, 1898.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act of the General Assembly of the Commonwealth of Kentucky, approved March fifteen, one thousand eight hundred and ninety-eight, entitled "An act to provide for the operating expenses of the Houses of Reform," be, and the same are hereby, amended and re-enacted as amended, so that the same shall read as follows:

That there is now and hereby appropriated for the maintenance of the houses of reform the sum of one hundred dollars (\$100) or so much thereof as may be necessary for the purpose, per annum, for each inmate in such house, or houses of reform, and it is now made the duty of the Auditor of Public Accounts to draw his warrant on the Treasurer quarterly, for such amounts, or so much thereof as may be necessary, upon the report of the president of the board of trustees of the house of reform, when approved by the Governor, as herein provided.

Approved March 21, 1902.

CHAPTER 69.

AN ACT to appropriate fourteen thousand dollars for the benefit of the Houses of Reform.

WHEREAS, The board of trustees of the houses of reform of Kentucky was obliged, on account of the failure of the State to pay the per capita and salary appropriations provided for said houses of reform for a period of eight months after said institution was opened and running; and, whereas, to protect the health of the boys and girls in said houses of reform, it was necessary to provide additional sewage systems and disposal, and to increase the water supply, and to purchase more extensive equipment; and, whereas, the per capita allowance and the salary appropriations heretofore made are entirely inadequate to meet the necessary running expenses of said institution; and, whereas, by reason of the above causes a deficiency has been created by said board of trustees in the sum of fourteen thousand dollars:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of fourteen thousand dollars be, and hereby is appropriated out of any sums in the State Treasury not otherwise appropriated, for the purpose of paying the deficiency created by the board of trustees of the houses of reform, in the manner herein set forth.

Approved March 21, 1902.

CHAPTER 70.

AN ACT authorizing the establishment of free public libraries in cities of the second and third classes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That as soon as a sufficient fund for that purpose shall be accumulated, under the provisions of this act, augmented by private contributions or otherwise, in any city of the second or third class, there shall be established and maintained in such city a free public library, and in cities of the second or third class wherein, under, under any act of the General Assembly, a free library has been established, the same shall continue as herein provided; said free public library shall be under the direction and control of a board of trustees, consisting of seven members, to be styled the "Board of Trustees of the Public Library," and which said board of trustees of the public library shall continue, and they are hereby declared a body politic and corporate, under said name and style, with perpetual succession, and by that name may contract and be contracted with, sue and be sued, have and use a corporate seal, the same to alter and renew at pleasure, or may act without a seal; may purchase, receive, lease, hold, sell and dispose of real and personal estate for public library purposes. Said board shall have the custody, control, management and expenditure of all funds that may heretofore have been accumulated for free public library purposes, or that may hereafter be accumulated for or be devoted to said purposes. The mayor of the city and presiding judge of the county court of the county in which the city may be located, in case the county contributes annually to the maintenance of the public library, shall be *ex officio* members of said board, and the remaining five members there-

Free libraries in
cities of second
and third classes.

Board of Trustees of Public Library.

of shall be appointed by the mayor, one for one year, one for two years, one for three years, two for four years, and their successors, as said terms shall respectively expire, to be appointed for four years, and shall be so selected and appointed as never to have more than four members thereof of the same political party, and that two members of said board shall be women and five members thereof shall be men. The members of said board so appointed by the mayor shall be citizens and housekeepers of the city and not less than thirty years of age, shall serve without compensation, shall each give a bond in the sum of five thousand dollars, for the faithful performance of their duties, and shall take an oath before the mayor to faithfully perform their duties. Said board shall have no power to charge any of the real or personal property of said corporation with any debt or liability, and shall at no time expend, in the operation or maintenance of said library, or for any other purpose, any money in excess of that annually appropriated by the provisions of this act, and should said board attempt to impose any debt or liability upon the property of said free public library, or make any contract for amounts of money in excess of that annually appropriated by the provisions of this act, all such contracts or liabilities shall be void as against the free public library, and such members of the board as may vote for such debts, liabilities or expenditures of money shall be personally liable for the same.

Power of board. Said board shall have the power necessary to establish, and when established, to maintain and conduct said free public library and may adopt from time to time rules and regulations for the proper conduct of said library. Said library shall be open and free to the public, under such rules and regulations as the board of trustees may pre-

scribe, during reasonable and proper hours, and said library may be closed on Sunday, if deemed proper by said board. When there is already established in the city a public or private library, the board of trustees of the public library may enter into an agreement with the association or corporation, owning or controlling such library, whereby such library, including books, real and personal property, may be transferred or leased to said board of trustees of the public library, for a term of years, or in perpetuity, or united with that established by the city under the provisions of this or any former act. Said library shall be strictly non-sectarian and non-partisan, and always so conducted. And the legislative body of the city shall, by a proper ordinance, provide penalties and the method of imposing the same, for the preservation of books, the property of said free public library, and the prevention of trespass upon the grounds thereof, and for the proper conduct of patrons of said library; and all fines and costs collected for the violation of such ordinance or ordinances shall, when collected, be paid over to the board of trustees of said library.

In aid of the establishment and maintenance of such library, there is hereby appropriated, and the general council shall annually direct to be paid over, as the same may be collected, to the board of trustees of the public library, three percentum of the net amount of taxes levied annually in the city for common school purposes, and one-half of the net amount of all fines and costs collected in the police court; and to further aid in the establishment and maintenance of such public library, the general council of the city and the fiscal court of the county, either or both, jointly or separately, are hereby authorized and empowered to accept, by ordinance, resolution, order or contract (and if necessary, unite with the board of trustees of the public library), any donation that may have been offered,

Appropriation.

or may hereafter be offered by Andrew Carnegie, or any other person, association or corporation, and comply with the conditions upon which said donations may be offered and accepted, and make the terms of said contract perpetually binding upon said city and county; and said general council of the city and fiscal court of the county shall annually levy such special tax as may be necessary to comply with said conditions or terms of contract, and to provide the sums of money agreed therein to be paid annually and perpetually for the maintenance of said public library, and shall cause the same to be collected as and when other taxes are collected and paid over promptly to the board of trustees of the public library.

Emergency clause.

§ 2. Inasmuch as Andrew Carnegie has made an offer to appropriate fifty thousand dollars for the establishment of a public library in one of such cities, on condition that proper provision is made for an annual sum of five thousand dollars perpetually, for the maintenance of the library so established, and it being desirous that said proposition shall be accepted at once, an emergency is declared to exist, and this act shall take effect from and after its passage.

Approved March 21, 1902.

CHAPTER 71.

AN ACT providing for the establishment and maintenance of free public libraries in cities of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Free libraries in
cities of first
class.

§ 1. That any city of the first class may establish and maintain within its corporate limits a free public library, with circulating and reference departments and reading rooms, or any of them, for the use and benefit of the residents thereof, with such branches and stations as the

board of trustees, hereinafter provided, may, from time to time, deem proper or necessary. All the uses and privileges of such library shall forever be free and equal to all residents of such city, subject only to the rules and regulations established by the board of trustees. But said board may extend the privilege and use of such library and reading rooms to persons residing outside of such city, upon such terms and conditions as said board may, from time to time, by its regulations, prescribe.

§ 2. The general council of any such city may, by ordinance, signify its purpose or intent to establish a free library under the provisions of this act, and, when it shall have so ordained or resolved, the said city shall thereafter be treated as having exercised its discretion to establish such library and the subsequent provisions of this act shall then become operative.

§ 3. The mayor of any such city shall, as soon as practicable after the passage of this ordinance, name twelve trustees, three for a term of one year, three for a term of two years, three for a term of three years, and three for a term of four years; and shall thereafter, in the month of each succeeding year corresponding to the month in which the first appointments are made, in the same manner nominate three trustees for a term of four years. No person shall be eligible to the office of trustee who is not, at the time of his selection, a taxpayer and qualified voter in the city and has not resided therein for two years prior to his selection, and no salary or other compensation shall ever be paid to or received by such trustee for the performance of the duties of his office. The said twelve trustees, together with the mayor of said city, who shall be a trustee by virtue of his office, shall constitute and be styled the Board of Trustees of the Free Public Library, and by said title shall be a corporation with power to make such rules and regulations to govern itself, and for

Trustees.

Term.

Eligibility.

the control, management and use of the
to its care as it may be deemed proper
conflict with this act, or with the Constitution
of this State or of the United States, will
and be contracted with, sue and be sued
defended in all courts, to acquire by gift,
wise, and to hold real and personal property
the public library, for the purpose and
the same may be granted or dedicated
and improve, sell and convey, rent or let
erect suitable building or buildings; to
seal and change it at pleasure, and to act
a seal. Vacancies in the office of trustees
by the board to the mayor, and shall be
manner as the original appointments. They
shall, before entering upon the duties of
make oath or affirmation before some judge
this Commonwealth to discharge the duties
them.

§ 4. The board shall meet once each month,
if necessary, for the transaction of its business.
Majority of the board shall constitute a quorum.
appropriation of money, except for ordinary expenditures,
shall be made unless upon the vote of a majority of its members. Except for
pose of erecting the library building, the board
tees shall not incur liabilities for any current
excess of its annual income, including gifts and do
and unexpended balances from previous years.
board shall, at the first meeting after the selection
its members, and annually thereafter, select out of
number a president and vice president, whose duties
be prescribed by its rules and regulations, and it
choose a secretary and treasurer and such other officers
agents and servants as it may deem proper and necessary.

Quorum.

may prescribe the duties required of them, fix their compensation, and may remove its appointees at pleasure.

All moneys due the board shall be deposited in some chartered bank in said city, to be selected by it, and funds to be withdrawn from said bank only on order of the board or book of its treasurer countersigned by its president or vice-president when acting in his stead.

to raise money for the establishment and maintenance of the library, the general council shall annually, in levying ordinance, cause to be levied and collected a tax ^{Annual tax to be levied} not less than two and one-half cents or more than five cents on each one hundred dollars' worth of property assessed for taxation for city purposes. Upon the completion of assessment of property for taxation the amount levied as above shall, annually, be passed to the credit of the library fund upon the books of the city treasurer, and the said amount, as collected, shall be paid over to the board of trustees by the city treasurer in regular weekly installments, the first payment to be made within one week after the collection of said amount shall have begun, and the other payments to be made weekly thereafter, in current money, by said treasurer, as collected. The board shall annually, in the month of September, make a report to the general council, showing the use of the library for the fiscal year ending the last day of August preceding, the receipts and expenditures of all moneys handled by it during the year, and giving such other information as may promote the usefulness of said library to the public, or may be called for by the general council. No portion of the property or fund held or raised for library purposes shall ever be applied to the support of any library not exclusively under the control and management of the board of trustees as herein provided.

§ 7. The board of trustees may accept such gifts and donations of property, real and personal, to be used for

Gifts and donations.

the purposes contemplated by this act, upon such terms and conditions not in conflict with the Constitution and laws of this Commonwealth, as may be agreed upon by the said board of trustees, of the one part, and the donor, of the other part, and the title of the property, as may be so given or donated, shall be vested in such board of trustees, and the city wherein such library may be situated may be a party to any deed or instrument of transfer for the purpose of carrying out such arrangement pertaining thereto as it may lawfully make; and for the purpose of acquiring all property of other corporations, or libraries, or societies, as may by contract or agreement under it be transferred from such library or association to it.

§ 8. The general council of such city shall have power to pass such ordinances imposing suitable penalties for the punishment of persons committing injury to the library, or upon the grounds or other property thereof, or may be guilty of disorderly conduct in or about the premises of the said library, and for injury to or failure to return any books belonging to said library, under its rules and regulations, as the board of trustees may recommend.

Emergency clause.

§ 9. In order that there may be no delay in carrying out the provisions of this act, an emergency is declared to exist, and this act shall take effect and be enforced upon its approval by the Governor.

§ 10. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 21, 1902.

CHAPTER 72.

AN ACT to amend section 4291, article 1, chapter 110, of the Kentucky Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section four thousand two hundred and ninety-one, article one, chapter one hundred and ten of the Kentucky Statutes be, and the same is hereby, amended by adding thereto the following words: *Provided*, That in cases of roadbeds or a portion of same washing or slipping away, or in cases of extreme emergency, and when in his judgment the conditions warrant it, the county judge may immediately open and have surveyed a road or passway to be temporarily used while the commissioners, as provided by law, are acting, or while the matter is pending in the court to establish a permanent road or passway, and said commissioners shall assess the damage for said temporary road or use of same and the same proceedings be had to recover same as in said recovery in regard to other roads, and the compensation to land owners and tenants be ascertained and collected as in the establishment of new roads, and the county judge is empowered to agree with land owners and tenants as to compensation." So that said section when so amended will read as follows:

"§ 4291. Commissioners to assess damages—Appointment.—When the petition is filed the county court, being satisfied that proper notice has been given according to the provisions of the preceding section, shall appoint three impartial housekeepers of the county as commissioners to assess damages the owner or owners, or tenants, if any, may be entitled to receive, who shall be sworn to faithfully and impartially discharge their duties under the law: *Pro-*

Amending sec.
4291 Ky. Stats.

Commissioners
to assess damages.

Appointment.

vided, That in cases of roadbeds or a portion of same washing or slipping away, or in cases of extreme emergency, and when in his judgment the conditions warrant it, the county judge may immediately open and have surveyed a road or passway to be temporarily used while the commissioners, as provided by law, are acting, or while the matter is pending in the court to establish a permanent road or passway, and said commissioners shall assess the damage for said temporary road or use of same, and the same proceedings be had to recover same as in said recovery in regard to other roads, and the compensation to land owners and tenants be ascertained and collected as in the establishment of new roads, and the county judge is empowered to agree with land owners and tenants as to compensation."

Emergency
clause.

§ 2. In many counties of the State the leading public roads are located along the banks of rivers and streams of water, and because of the overflow of said streams and rivers the roadbeds wash and slip away and entirely destroy the public roads, and thereby cut off the only means of travel and driving and hauling, and the present method of obtaining or opening a road is so slow that in many instances the citizens are cut off from travel and transportation for months, and often have to pay exorbitant prices or tolls to go over private property; therefore, an emergency exists, and this act shall take effect from and after its passage and approval by the Governor.

Approved March 22, 1902.

CHAPTER 73.

AN ACT to amend an act, entitled "An Act to amend an act for the government of cities of the fourth class," which became a law <sup>Amending sec.
3483 Ky. Stats.</sup> March 17, 1898.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled, "An act to amend an act for the government of cities of the fourth class," which became a law on the seventeenth day of March, one thousand eight hundred and ninety-eight, be, and the same is hereby amended as follows:

The boundaries of cities of the fourth class, shall until changed as herein provided remain as now established ^{Cities of fourth class.} by law.

That section three of said act, to which this is an amendment, be amended and re-enacted so as to read as follows:

"Whenever it shall be deemed desirable to annex any territory to a city in this class, or to reduce the boundaries thereof, the same may be done in the following manner: The board of council of such city shall, by ordinance, accurately define the boundary of the territory proposed to be annexed or stricken off. Such ordinance shall be published for not less than three weeks in a newspaper published in such city or county; if there be no newspaper published in the city or county, the ordinance shall be advertised by hand bills, to be posted for at least fifteen days at four or more public places in the city, and at the same number of the most public places within the territory proposed to be annexed or stricken off. Within thirty days after the adoption, publication and advertisement of such ordinance, a petition shall be filed in the circuit court of the county within which said city may be situated, in the name and on behalf of the city, setting <sup>Changing bound-
aries.</sup>

forth the passage, publication and advertisement of such ordinance, the object and purposes thereof, together with an accurate description by metes and bounds of the territory proposed to be annexed to or stricken from the city, and praying for a judgment of the court to annex said territory to or strike same from the city, as the object may be. The said petition shall be filed not less than twenty days before the first day of the next succeeding term of the circuit court in that county. Notice of the filing of the same shall be given in the same manner as provided herein for notice of the passage of said ordinance. If no defense be made at the first term of the court after the filing of said petition and notice of same as herein provided, and the court shall make no order for granting further time for making defense, the court shall render a judgment annexing or striking off the proposed territory, as the object of the proceedings may be. But at the first term of the circuit court, or within the time fixed by the court by its order, any one or more of the resident voters of the territory proposed to be annexed or stricken off may file a defense in said proceedings, setting forth the reasons why such territory, or any part thereof, should not be annexed to the city, or why the limits of the city should not be reduced. The case shall be tried by the court without the intervention of a jury. If the court, upon hearing, be satisfied that less than a majority of the resident voters of the territory sought to be annexed or stricken off have remonstrated against the proposed extension or reduction, and that the proposed extension or reduction of the limits of the city, as the case may be, will be for the interest of the city, and will cause no material injury to the owners of real estate in the limits of the proposed extension or reduction, it shall so find, and the proposed extension or reduction shall be decreed or adjudged. But if the court shall

find that a majority or more of the resident voters in the territory to be affected or the owner or owners of said property, if there be no resident voters, remonstrated against such change, and that said change will cause material injury to the owners of real estate in the limits of the proposed extension or reduction, it shall so find, and said extension or reduction shall be denied. If the judgment of the court is adverse to the proposed change, no further effort to annex or strike off the territory so proposed shall be made within two years after the entering of the judgment. Costs shall follow the judgment, and no appeal shall lie from the judgment of the circuit court. If the judgment in such proceedings be in favor of the city, it shall be certified by the clerk of the court to the board of council and entered on the records of the board, and the board shall thereupon, by ordinance, annex to or strike from the city the territory described in the judgment: Provided, The circuit court shall not have jurisdiction of such proceedings, unless the required publication or advertisement of the ordinance proposing the extension or reduction of the limits of the city contains notice of the proposed proceedings in such court, proof of which publication or advertisement may be made by affidavit filed in the proceedings. Provided, however, that the provisions of this act shall not be construed as interfering with the rights of any litigant in or growing out of any action now pending in any court of this Commonwealth under the act to which this is amendment."

Approved March 22, 1902.

CHAPTER 74.

Amending sec.
2704 Ky. Stats.

AN ACT to amend an act, entitled "An Act concerning the militia of the Commonwealth of Kentucky," approved March 13, 1893, and being section 2704, chapter 86, Kentucky Statutes, title "Militia."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Militia.

§ 1. That section fifty-three of an act, entitled "An act concerning the militia of the Commonwealth of Kentucky," approved March thirteenth, one thousand eight hundred and ninety-three, and being section two thousand seven hundred and four of chapter eighty-six, Kentucky Statutes, titled "Militia," be amended by striking therefrom the words "there is hereby appropriated the sum of ten thousand dollars per annum, to be paid out of the treasury, from the resources of the Kentucky war claim, as the same shall hereafter be collected from the United States, which, together with all sums received into the treasury from fines and penalties under the provisions of this law, shall constitute the military fund of this State;" and also the words, "If the resources of the Kentucky war claim should prove insufficient to pay said sum of ten thousand dollars per annum, then the remainder of said sum is to be paid out of any other funds in the treasury not otherwise appropriated, not to exceed seven thousand dollars in any one year; also the following words: "And if there should be no money in the treasury realized from said Kentucky war claim, then said seven thousand dollars, and all sums received into the treasury from fines and penalties under the provisions of this law, shall constitute the military fund of this State," and inserting in lieu thereof the following words, to-wit: There is hereby appropriated the

sum of twenty thousand dollars per annum and this fund shall constitute the military fund of the State. Seven thousand dollars of said fund shall be paid annually out of any funds in the treasury not otherwise appropriated, and the remaining thirteen thousand dollars of said fund shall be paid annually out of the funds heretofore appropriated for the benefit of the State guard by a resolution, entitled "Resolution appropriating money to reorganize, extend the reorganization, and equip the State guard and recover the possession of State's munitions of war which was approved March thirteenth, one thousand nine hundred, until the funds appropriated by said resolution, or so much thereof as may not have been heretofore expended, shall be exhausted, and no part of said fund appropriated by said resolution shall be used except as provided by this act, and thereafter the entire appropriation made by this section shall be paid out of any funds in the treasury not otherwise appropriated; so that said section, when so amended, shall read as follows, viz.:

"There is hereby appropriated the sum of twenty thousand dollars per annum and this fund shall constitute the military fund of the State. Seven thousand dollars of ^{Appropriation for benefit of.} said fund shall be paid annually out of any funds in the treasury not otherwise appropriated, and the remaining thirteen thousand dollars of said fund shall be paid annually out of the funds heretofore appropriated for the benefit of the State guard by a resolution, entitled "Resolution appropriating money to reorganize, extend the organization and equip the State guard and recover the possession of State's munitions of war, which was approved March thirteenth, one thousand nine hundred, until the funds appropriated by said resolution, or so much thereof as may not have been heretofore expended, shall be exhausted and no part of said fund appropriated by said resolution shall be used except as provided by this act and

thereafter the entire appropriation made by this section shall be paid out of any funds in the treasury not otherwise appropriated.

This fund shall be disbursed from time to time, by the authority of the Governor, and under such regulations as he shall prescribe, for the organization, administration, equipping and uniforming the State guard; for the purchase of tactics, laws and regulations of the army of the United States; for instruction of the State guard for the publishing of regulations for their government; for the renting of armories; for the purchase of such camp and garrison equipage and military stores as may be necessary, and generally, as in his judgment may best promote the interests of the State guard."

Approved March 22, 1902.

CHAPTER 75.

AN ACT to prevent and punish the unlawful conversion and wrongful use of electric current, commonly called electricity, and any unlawful interference with appliances used in generating and distributing the same.

. Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Converting elec-
tric current, etc.

§ 1. That any person who, without the consent of any person, firm, co-partnership or corporation engaged in the manufacture or distribution of electricity, shall unlawfully convert to his own use, from any wire of such person, firm, co-partnership or corporation any portion of such electric current or electricity, or who shall prevent such current, or any part thereof, from passing through any meter provided for measuring it by such person, firm, co-partnership or corporation, or who shall, in any manner, prevent such meter from correctly registering the cur-

rent passing through it, or shall aid, in any manner, in the unlawful conversion to his use or the use of another, of any portion of such electric current, shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned not less than three months nor exceeding twelve months, or both so fined and imprisoned, in the discretion of the jury trying the case.

§ 2. Any person who shall unlawfully and maliciously destroy, injure or otherwise interfere with any meter, pipe, conduit, wire, line, pole, lamp or other apparatus belonging to any person, firm, co-partnership or corporation engaged in manufacturing and selling electricity, shall be punished by a fine of not less than five dollars nor more than five hundred dollars, or imprisoned not less than ten days nor more than one year, or both so fined and imprisoned, in the discretion of the jury.

§ 3. Any person who shall have in his possession any machine, appliance or contrivance, of any character, used or intended to be used to prevent a meter from correctly registering the electric current passing through such meter or for diverting the electric current that should pass through such meter, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or imprisoned not less than three months nor more than twelve months, or both so fined and imprisoned, in the discretion of they jury.

§ 4. Any one who shall knowingly accept and receive the use and benefit of a current of electricity diverted as provided for in section three hereof shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned in the county jail for not less than three months nor more than one year, or both so fined and imprisoned, in the discretion of the jury

§ 5. An indictment shall be valid which charges any or

Penalty for in-
terference with
meter.

Indictment.

all of the acts denounced in sections one, two, three and four hereof in one count, and all of said acts may be charged and embraced in a single count in an indictment.
§ 6. This act shall be in full force from and after its passage.

Approved March 22, 1902.

Amending sec.
2832 Ky. Stats.

CHAPTER 76.

AN ACT to amend section 69 of an act, entitled "An Act for the government of cities of the first class," approved July 1, 1893.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Cities first
class.

§ 1. That section sixty-nine of an act, entitled "An act for the government of cities of the first class," approved July first, one thousand eight hundred and ninety-three, which is section two thousand eight hundred and thirty-two of the Kentucky Statutes, be amended by adding thereto the following words, to-wit: "No ground laid off and dedicated as a street or alley by the owner within any territory heretofore or hereafter annexed to the city shall be as a public way of the city until the dedication by the owner as such shall have been accepted by a resolution or ordinance of the general council recommended by the board of public works. Upon the adoption of a resolution by the general council authorizing and directing such action, it shall be the duty of the city attorney to institute suit for the city in the circuit court for the purpose of closing any street or alley dividing any of the squares or lots within the limits of the city, and to such suit all the owners of ground in the squares or lots divided by the street or alley sought to be closed abutting such street or alley shall be made defendants; and if all of such defendants are competent to act for themselves and consent in writ-

ing to the closing prayed for, then the court shall render a decree accordingly, but without such consent, the court shall hear proof made by the parties, and if satisfied from the evidence that the closing would be beneficial to the city, and not injurious to any party not consenting, shall render a decree closing such street or alley," so that said section, when so amended, shall read as follows:

"Public ways, as used in this act, shall mean all public streets, alleys, sidewalks, roads, lanes, avenues, highways and thoroughfares. Improvements, as applied to public ways, shall mean all work and material used upon them in the construction and reconstruction thereof, and shall be made and done as may be prescribed herein. No ground laid off and dedicated as a street or alley by the owner within any territory heretofore or hereafter annexed to the city shall be a public way of the city until the dedication by the owner as such shall have been accepted by a resolution or ordinance of the general council recommended by the board of public works. Upon the adoption of a resolution by the general council authorizing and directing such action, it shall be the duty of the city attorney to institute suit for the city in the circuit court for the purpose of closing any street or alley dividing any of the squares of lots within the limits of the city, and to such suit all the owners of ground in the squares or lots divided by the street or alley sought to be closed abutting on such street or alley shall be made defendants, and if all of such defendants are competent to act for themselves and consent in writing to the closing prayed for, then the court shall render a decree accordingly, but without such consent, the court shall hear proof made by the parties, and if satisfied from the evidence that the closing would be beneficial to the city, and not injurious to any party not consenting, shall render a decree closing such street or alley."

Public ways

Improvements.

§ 2. That after its approval by the Governor, this act shall take effect as provided by law.

Approved March 22, 1902.

Amending sec.
4317 Ky. Stats.

An ACT to amend chapter 110, section 4317, of the Kentucky Statutes, entitled "Roads and Passways."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section four thousand three hundred and seventeen, of chapter one hundred and ten of the Kentucky Statutes, entitled, "Roads and Passways" be amended as follows: By adding after the word "by" in fifth line and before the word "warrant," the following: "Indictment in the circuit court or by", so said section when amended, will read as follows:

Penalty for
failure to do duty.

"Supervisors—Penalty for failure to do duty.—For any violation of failure without good cause to discharge any duty prescribed by this act, the supervisor shall be deemed guilty of a misdemeanor and shall on conviction be fined therefor not less than ten nor more than one hundred dollars, to be recovered by indictment in the circuit court or by warrant in the name of the Commonwealth of Kentucky to be issued by and returnable before the county judge of the county sitting as judge of the quarterly court, and it shall be the duty of said judge to issue such warrant upon his own knowledge or upon information of another on oath. On the trial of such warrant, the supervisor shall be entitled to a jury if demanded."

Approved March 22, 1902.

CHAPTER 78.

AN ACT to amend the charter of cities of the fourth class of the Commonwealth of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section eighty-seven of the act approved June twenty-eighth, one thousand eight hundred and ninety-three, providing for the government of cities of the fourth class in said Commonwealth (said section being section three thousand five hundred and sixty-seven of the Kentucky statutes) be amended by the addition thereto of the following words to-wit:

"Provided that in all cases of original construction, reconstruction and repairing of sidewalks, where the cost of such improvement does not exceed two hundred and fifty dollars, the board of council ^{Cities of fourth class,} may, by resolution duly adopted at a regular meeting of said board, order such improvement to be made in accordance with plans and specifications furnished by the city engineer, and said plans and specifications shall be incorporated in said resolution. Upon the failure of the owner or owners of the property abutting said improvement to comply with the requirements of said resolution within a reasonable time after notice of the adoption of ^{Improvement of streets, etc.} said resolution, the board of council shall cause such improvement to be made, and the city shall have a lien upon the property abutting said improvement for the cost of said improvement, with six per centum interest per annum thereon from the date of the passage of said resolution, and said lien shall be superior to all other liens and enforceable as other liens herein. The board of council may let the contract for said improvement either publicly or privately, and may or may not require the contractor to

Lien.

furnish bond for the faithful performance of said contract, in their discretion," so that said section as amended shall read: "A lien shall exist for the cost of the original improvement of the public ways, market space, public square or grounds, wharves, levees, for the construction and reconstruction of the same, to take effect from the passage of the ordinance ordering the improvement; for the apportionment and six per centum per annum interest thereon, against the respective lots or parts of lots of land fronting or abutting upon the improvement; superior to all other liens, and payment may be enforced upon the property bound therefor by suit in equity, and no error in the proceeding of the board of council shall exempt from payment or defeat said lien after the work has been done as required by ordinance; but the board of council or the courts in which said suits may be pending shall make all corrections, rules and orders, to do justice to all parties concerned; and if such improvements be made as provided by ordinance, in no event shall the city be liable therefor without the right to enforce it against the property receiving the benefit thereof; but no ordinance for any original improvement mentioned herein shall take effect until it is passed by a yea and nay vote at two meetings of the board of council, at least two weeks apart, at least a majority of the councilmen voting in the affirmative, unless said improvement is ordered by said board of council without petition from the property holders, in which event two-thirds of the members elect of said board of council shall concur therein; and, further, not until the ordinance as first passed shall have been published as required by section three thousand four hundred and eighty-seven, unless said improvement be asked by petition signed by persons owning a majority of the property liable therefor, when the ordinance may be passed at one meeting of said board by a majority yea and nay vote, but published, nevertheless, as required by section three thou-

sand four hundred and eighty-seven. Provided that in all cases of original construction, reconstruction and repairing of sidewalks, where the cost of such improvement does not exceed two hundred and fifty dollars, the board of council may, by resolution duly adopted at a regular meeting of said board, order such improvement to be made by the owner or owners of the lot or lots of land abutting or bordering thereon in accordance with plans and specifications furnished by the city engineer and said plans and specifications shall be incorporated in said resolution. Upon the failure of the owner or owners of the property abutting said improvement to comply with the requirements of said resolution within a reasonable time after notice of the adoption of said resolution, the board of council shall cause such improvement to be made, and the city shall have a lien upon the property abutting said improvement for the cost of said improvement, with six per centum interest per annum thereon from the date of the passage of said resolution and said lien shall be superior to all other liens and enforceable as other liens herein. The board of council may let the contract for said improvement either publicly or privately, and may or may not require the contractor to furnish bond for the faithful performance of said contract, in their discretion.

Approved March 22, 1902.

CHAPTER 79.

*AN ACT to regulate hunting in the State of Kentucky, requiring
License to hunt. certain persons to take out license to hunt.*

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky:*

Non-residents.

§ 1. It shall be unlawful for any person who is a non-resident of the State of Kentucky to hunt anywhere within the State of Kentucky any of the wild animals, fowls, or birds that are protected during any part of the year without procuring a license to do so, and then only during the respective periods of the year when it shall be lawful to do so.

§ 2. Said license shall be procured in the following manner, to-wit:

How procured.

The applicant shall fill out a blank application to be furnished by the clerk of the county court of any county of the State of Kentucky, stating the name, age, occupation and place of residence of the applicant, which application shall be sworn to before some person authorized to administer oaths in the State of Kentucky, or in the State in which the applicant resides. Upon the presentation of such application to the clerk of the county court of any county in the State of Kentucky, such clerk shall issue applicant a license to hunt in any county in the State of Kentucky.

§ 3. Such license shall be good for one year, and shall not be transferable, and shall be substantially in the following, to-wit:

State of Kentucky, county of _____.
This certifies that _____, a resident of _____ county,
State of _____, has complied wth the law authorizing
the issuance of hunting licenses to non-residents of the
State of Kentucky, and is hereby licensed to hunt in any

county in the State of Kentucky for the period of one year from the date of this license, subject however to the same restriction and limitations as are residents of this State.

Witness the signature of the clerk of said county and the seal of the county court of said county this _____ day of
— 190 —.

Name _____

Clerk _____ County Court.

§ 4. Before the issuance of any such license the applicant shall pay to the clerk the sum of twenty-five dollars and fifty cents. Twenty-five dollars of which shall be paid to the Treasurer of the State as a part of general expense fund, unless otherwise provided by law, and fifty cents of which shall be reserved by said clerk and disposed of as other fees of his office are disposed of.

§ 5. No person to whom a license is issued under the provisions of the preceding section shall be entitled to hunt, pursue or kill game in this State without at the time of such hunting, pursuing, or killing of game, he has in his possession his license ready to exhibit same to any one demanding same.

§ 6. Any person found guilty of violating any of the provisions of this act shall be fined not less than fifty dollars and not more than two hundred dollars, to which may be added imprisonment in the county jail for any period not to exceed thirty days.

§ 7. On or before the tenth day of each month the clerks of the various county courts of the State of Kentucky shall report to the Auditor of State on a form to be prescribed by such Auditor the number of non-resident hunting licenses issued during the preceding month by such clerk, together with the names of the persons so licensed, which report shall be preserved in the office of the Auditor of State, and such clerks shall accompany such reports with

Clerk to report
to Auditor.

a remittance of the amount collected by such clerk for licenses issued during the period covered by such report. The Auditor of State shall keep a record of the amounts so received and shall upon the receipt of such amounts turn the same over to the Treasurer of the State.

Approved March 22, 1902.

CHAPTER 80.

Amending sec.
641 Ky. Stats.

AN ACT to amend section 104 in sub-division 1, of article 4 of an act, entitled "An Act providing for the creation and regulation of private corporations," which became a law without the signature of the Governor, April 5, 1893.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one hundred and four, in sub-division one of article four of an act, entitled "An act providing for the creation and regulation of private corporations," which became a law without the Governor's signature, on April five, one thousand eight hundred and ninety-three, and being also section six hundred and forty-one of the Kentucky Statutes, be amended by adding to said section, at the end thereof, the following words, to-wit: "Nor to companies, societies or associations, organized under the authority and patronage of any church or religious denomination for the exclusive purpose of insuring the property of churches or religious denominations, and the personal property of the pastors and ministers thereof, against the loss or damage by fire, lightning or storm," and said section, so amended, is hereby re-enacted, so as to read as follows:

Insurance com-
pany or corpora-
tion held to
mean, etc.

"The words, 'insurance company' or 'insurance corporation,' as used in this article, shall be held to mean and include any association, individual, company, corporation,

partnership, or joint stock company, engaged in, or carrying on in any manner, the business of insurance in this State, except that the provisions of this chapter or article shall not apply to secret or fraternal societies, lodges, or councils, which are under the supervision of a grand or supreme body, and secure members through the lodge system exclusively, and pay no commission nor employ any agents, except in the organization of and supervision of the work of local subordinate lodges or councils, nor to companies, societies or associations organized under the authority and patronage of any church or religious denomination for the exclusive purpose of insuring the property of churches or religious denominations and the personal property of the pastors and ministers thereof against loss or damage by fire, lightning or storm."

Approved March 22, 1902.

CHAPTER 81.

AN ACT to amend and re-enact sections 968, 970 and 971 of Kentucky Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. That section nine hundred and sixty-eight of the Kentucky Statutes be, and the same is hereby amended, by striking therefrom the following words, to-wit: "And on their failure to agree upon an attorney, the attorneys of the court who are present and not interested nor employed in the cause shall elect an attorney of the court then in attendance, having the qualifications of a circuit judge, to hold the court for the occasion, who shall preside accordingly, and the judge so selected shall preside in all cases called during the term in the absence of the regular judge, or in which he can not preside, except in those cases in

Amending and
re-enacting secs.
968, 970 and 971
Ky. Stats.

which the special judge can not properly preside. The election shall be held by the clerk, and in case of a tie he shall give the casting vote. The person elected shall, during the period that he acts, have all the powers and be subject to all responsibilities of a circuit judge," and inserting in the said section the following words in lieu thereof: "And if any of the parties to said action, proceeding or prosecution, be or are non-resident defendants who have not entered their appearance, nor have been summoned, or are infant defendants, the attorney appointed to defend for such non-residents, or the guardian *ad litem* for such infants may agree with the other parties to such action, proceeding or prosecution upon a lawyer having all the qualifications of a circuit judge to try such action, proceeding or prosecution."

That section nine hundred and seventy of the Kentucky Statutes be, and the same is hereby, amended by striking therefrom the following words: "First elected to act as special judge fails or refuses to act, or can not properly preside, another election shall be held in like manner from time to time until a suitable person is chosen who can and will preside. The parties to an action may agree upon a person to preside, and he shall have the same power and be paid in the same manner as if elected by the attorneys of the court," and by inserting in lieu thereof the following words: "First selected by agreement of the parties, fails or refuses to act, or can not properly act, the parties to such action, proceeding or prosecution may make other agreements as to such judge until a person is selected who can and will act as special judge in such action, proceeding or prosecution. Any person thus selected by the parties to such action, proceeding or prosecution shall have all the powers and be subject to all the responsibilities of a circuit judge."

Sec. 970.
Special Judge—
failure to act—
agreement.

That section nine hundred and seventy-one of the Ken-

tucky Statutes be, and the same is hereby, amended by striking therefrom the following words: "Or the bar fail or refuse to elect."

That section nine hundred and sixty-eight, when so amended, shall be as follows: "When, from any cause, the judge of the circuit court fails to attend, or being in attendance can not properly preside in an action, proceeding or prosecution pending in said court, or if either party shall file with the clerk of the court his affidavit that the judge will not afford him a fair and impartial trial, or will not impartially decide an application for a change of venue, the parties, by agreement, may elect one of the attorneys of the court to preside on the trial or hear the application, or hold the court for the occasion; and if any of the parties to said action, proceeding or prosecution be or are non-resident defendants, who have not entered their appearance, nor have been summoned, or are infant defendants, the attorney appointed to defend for such non-residents or the guardian *ad litem* for such infants, may agree with the other parties to such action, proceeding or prosecution, upon a lawyer having all the qualifications of a circuit judge to try such action, proceeding or prosecution."

That section nine hundred and seventy, when so amended, shall be as follows: "If the person first selected by agreement of the parties fails or refuses to act, or can not properly act, the parties to such action, proceeding, or prosecution may make, after agreements as to such judge, to act, until a person is selected, who can and will act as special judge in such action, proceeding, or prosecution. Any person thus selected by the parties to such action, proceeding or prosecution shall have all the powers and be subject to all the responsibilities of a circuit judge."

That section nine hundred and seventy-one when so amended shall be as follows: "In the absence of the regular judge, or when he can not preside, if the parties can not

Special judges.
How elected.

Sec. 970.
Person refusing
to act.

Sec. 971
Governor to ap-
point—when

agree upon an attorney to act as judge who is present, the clerk shall at once notify the Governor, who shall appoint as circuit judge an attorney having the qualifications of a circuit judge to hold the court, or try the case, and the judge so appointed shall have all the powers of the regular judges, and receive the same compensation as a special judge, and ten cents per mile in going to and returning from the court, and he may, if necessary, hold a special term to try any case, after such notice or order as required when a special term is held."

Approved March 22, 1902.

CHAPTER 82.

AN ACT to regulate investment companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Regulating in-
vestment com-
panies.

§ 1. Every corporation of the character generally known as investment companies, organized, or which may be hereafter organized under the laws of Kentucky, for the purpose of conducting the business of placing or selling certificates, bonds, debentures, certificates of interest, or other investment securities of any kind, on the partial payment, installment or any other plan of payment, and providing for the redemption and retirement of same, or any part thereof, and every company, partnership, or association conducting such business in this State shall provide a reserve and redemption fund of not less than seventy-five per cent. of amount collected in premiums, for the benefit and protection of its investors, and so much of said fund as shall not be immediately distributed to investors shall be invested as hereinafter provided, and every such company, corporation, partnership, association or inc-

vidual now doing such business in this State within ninety days after the passage of this act shall deposit with the State Treasurer the total amount of its paid-up capital stock, and if said paid-up capital stock shall not amount to fifteen thousand dollars, shall deposit in addition thereto enough of the reserve fund to make fifteen thousand dollars in cash, or in bonds or mortgages, lien notes, or deeds of trust, or unincumbered real estate within the State of Kentucky, worth fifty per centum more than the sum loaned thereon, exclusive of buildings, unless such buildings are insured and the policy transferred to said corporation, partnership, company, or association, and continued in force so long as the loan continues; and in bonds of this State, or any other State of the United States, or in bonds of the United States or in bonds of any county or incorporated city or town of this State, authorized to be issued by the Legislature, and also stock of any incorporated bank or trust company of this State and of the national banks of this State or of adjacent States, and in the first mortgage bonds of railroads of this and other States, stocks or bonds of any bridge, water, street railway, gas, or electric light corporation of this State, which have for two years previous to the time of making the investment paid interest or dividends of not less than four per centum per annum; and none of the foregoing securities shall have a market value of less than eighty per cent. of the par value. Said fund so deposited, shall be for the protection of investors in such certificates, debentures, and other investment securities, wherever residing. Said company, corporation, partnership, or association shall within ninety days after the passage of this act, also file with the treasurer of the Commonwealth a statement verified by its president and secretary, showing its assets and liabilities as fixed herein, its income for the preceding twelve months, the total amount passed to its reserve fund now on hand, the num-

Statement.

ber of certificates or parts of certificates redeemed or paid, and the amount of money used therefor. And at the same time, such corporation, company, partnership, or association shall deposit with the treasurer in cash, or in bonds or such other securities as hereinbefore provided for, the amount passed to the reserve fund, as shown by said statement, which deposit shall be made each year until the total amount of the deposit with the treasurer shall be of the actual value of one hundred thousand dollars (100,000).

License.

§ 2. Whenever such corporation, company, partnership or association shall have deposited the amount above mentioned and filed the verified statement as required by the provisions of this act, the treasurer of this Commonwealth shall issue to said corporation, company, partnership or association a license to do business in this State, which license shall expire on the fifteenth day of the succeeding January, and whenever any such company, corporation, partnership or individual shall make the deposit and file the verified annual statement required herein, the treasurer of the Commonwealth shall issue to such corporation, company, partnership, or association a renewal of its license until the fifteenth day of the succeeding January.

Annual state-
ment.

§ 3. Every such corporation, company, partnership or association shall annually, on or before the fifteenth day of January each year, file with the treasurer of the Commonwealth of Kentucky a statement of its business for the twelve months next preceding the first day of said year, which statement shall be verified by the affidavit of its president or secretary and treasurer, and shall show the assets and liabilities, as fixed herein, of the corporation, company, partnership or association making the statement, and the amount of its premium receipts during the preceding year, and the amount passed to the reserve fund during the preceding year; and the amount distributed to invest-

ors, which statement shall be published in some newspaper of general circulation in the county in which the principal office or place of business may be located.

§ 4. Every such corporation, company, partnership or association may collect and use the interest on any securities deposited as herein required, and also exchange such securities for other of equal value and of the kind authorized by this act.

§ 5. No company, corporation, partnership or association as above defined shall hereafter lend to holders of its bonds, certificates, debentures, or other investment securities, out of its reserve fund on such bonds, certificates or debentures, or other investment securities in force an amount greater than the proportionate share of such bonds, debentures, certificates, or other investment securities in said reserve fund, but when any such loan is made, it shall be evidenced by the note of the borrower, secured by a deposit of the bonds, debentures, certificates or other investment securities on which the same is made, as collateral security, which said note and collateral may be deposited with the Treasurer as a part of the deposit hereinbefore required, and shall be computed as making up so much of said required deposit as the proportionate share of such bonds, debentures or certificates so deposited in the entire reserve fund amounts to, not exceeding, however, the amount loaned.

§ 6. No company, corporation, partnership or association shall be required to change investments hereinbefore made legally and in good faith in the course of business, and the securities representing such investments shall be accepted by the Treasurer of this State as part of the deposit required by this act to be made for the security of investors.

§ 7. For every license issued by the Treasurer under this act and every renewal of same, the company, corporation, partnership or association receiving same shall pay to the Treasurer a fee of one hundred dollars (\$100).

Interest on securities

Loans—how secured, etc.

Fee to treasurer.

Reserve fund—
how invested.

§ 8. The reserve fund, capital stock and any increase thereof, of each and every such corporation, company, partnership, or association, doing business in this Commonwealth, shall be invested in such real estate as may be necessary for the proper conduct of business; in bonds or mortgages, lien notes, or deeds of trust on unincumbered real estate, worth fifty per centum more than the sum loaned thereon, exclusive of buildings, unless such buildings are insured and the policy transferred to said corporation, partnership, company or association, and continued in force so long as the loan continues; and in bonds of this State or any other State of the United States, or in bonds of the United States, or in bonds of any county or incorporated city or town of this State or any other State of the United States, authorized to be issued by law, and also stock of any incorporated bank or trust company of this State and of the national banks of this State or of any other State in the United States, and in the first mortgage bonds of railroads of this or any other States, stocks or bonds of any bridge, water, street railway, gas or electric light corporation or company, have, for two years previous to the time of making the investment paid interest or dividends of not less than four per centum per annum; or in like securities in any other nation or country; providing always, that any of the aforementioned securities shall have a market value of not less than eighty per centum of their par value.

Expert account-
ant to examine
affairs.

§ 9. The Governor of the Commonwealth of Kentucky shall have the power, at any time that he may deem proper, to appoint expert accountants at the expense of any company, corporation, partnership, or association operating under provisions of this act, to make an examination of its affairs, and if it shall be ascertained by said expert accountants that any company, corporation, partnership or association operating under the provisions of this act shall

not have assets sufficient to equal in value the reserve fund contributed by every contract in force, plus the interest at three and one-half per cent. per annum, compounded annually, said company shall be declared insolvent and its license revoked.

§ 10. Every such corporation, company, partnership or association organized under the laws of any other State, which shall have made deposit with the proper authority of such State, or of any other State of the United States, either in cash or in acceptable securitites, for the benefit and protection of all its investors, wherever residing, or which shall comply with the laws of this State upon the following conditions, to-wit: It shall file with the Secretary of State of this Commonwealth a certified copy of its charter or articles of incorporation and a statement giving the location of its office or offices in this State and the name or names of its agents upon whom process can be served; and shall file with the Treasurer a certificate from the proper authorities of the State in which it may have been organized, or had made such deposit, showing that the deposit aforesaid has been made: such corporation shall also, on or before the fifteenth day of January in each year, make an annual statement as required by this act, which shall be published as aforesaid; and shall furnish to the Treasurer a certificate from the proper officer of the State where it shall have been organized or have made such deposit, showing that the deposit herein required of companies organized under the laws of this State for the preceding year has been made with the authorities of such State for the protection of its investors; and upon so doing, it shall be entitled to a renewal of its license for one year from the expiration of that already held by it: *Provided*, When, by the laws of any other State, any taxes, fines, penalties, or deposits of money, or of securities, or other obligations, or prohibitions, or requirements are imposed

Corporations.

Requirements.

upon investment companies organized under the laws of said State, and transacting business in such other State or upon the agents of such investment companies greater than those imposed upon similar companies, by the law of this State, or when such laws of other States shall require investment companies to deposit money or security for the protection of certificate holders of such other State, or shall prohibit companies of this State from transacting business in said State without a special examination of said companies or a computation of their liabilities by the officers of said State, the same taxes, fines, penalties, deposits, and all other requirements shall be imposed upon all investment companies organized in such other State and doing business in this State as are imposed upon such company or corporation by the laws of the State in which said company may be incorporated: *And provided further,* That where any such corporation, company, partnership or association organized in any other State shall have made a deposit in any other State of the United States for the protection of holders of its certificates, bonds, debentures, certificates of interest or other investment securities, wherever residing, less in amount than that required by the laws of this State, it shall, before doing business in this State, file a certificate of such deposit as herein required, and shall deposit an amount with the Treasurer of this State which, together with the amount so deposited in such other State, shall make up the total amount required by this act to be deposited by said companies in this State; *And provided,* That when, by the laws of any other State, any such company shall have been required to make, and shall have made, a deposit in such State for the security of holders of its certificates, bonds, debentures, certificates of interest, or other investment securities in such State alone, said company shall not be required to make a deposit in this State of its reserved fund accruing

from its certificates, bonds, debentures, certificates of interest, or other investment securities which, under the laws of such other States, are secured by special deposit in such State, and the holders of said bonds shall not be entitled to the benefit of the securities deposited with the Treasurer of this State under this act.

§ 11. Any corporation, company, partnership or association, or any officer or agent of the same, who shall attempt to place, or transact business as herein defined, when the corporation, company, partnership, or association has not license to do so, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five hundred dollars (five hundred dollars), nor more than one thousand dollars, (one thousand dollars), for such offense.

Penalty.

§ 12. This act shall take effect and be in force for ninety days after its passage and approval by the Governor.

Approved March 22, 1902.

CHAPTER 83.

AN ACT to amend an act, entitled "An Act for the government of cities of the first class," approved July 1, 1893, relating to the sinking fund of cities of the first class.

Repealing sec.
3010, 3011 and
3013 Ky. Stats.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That section two hundred and twenty-four of an act entitled "An act for the government of cities of the first class," approved July the first, one thousand eight hundred and ninety-three, and amended February the twenty-fourth, one thousand eight hundred and ninety-four, be, and the same is hereby repealed, and in lieu thereof the following is enacted as section two hundred and twenty-four:

Enacting in lieu
thereof.

§ 224. The sinking fund to pay the bonded debt of the

Sinking fund.

city is hereby continued as now established by law, and shall consist of the Mayor, the president of the board of aldermen for the time being, and three persons to be chosen on joint ballot, as hereinafter directed, and they and their successors in office shall continue to constitute the 'commissioners of the sinking fund of the city of Louisville,' and by that name shall continue to have corporate powers and existence, may sue and be sued, and do and perform all things necessary to execute the duties required and powers given them by this act.

President.

(2) They shall annually elect one of their number president of the board, may fill vacancies, have and use a common seal, or act without such seal. They may allow compensation to each member of said board, other than the salaried officers thereof, for attendance upon the meetings of the board, not exceeding ten dollars for each meeting attended; and they may allow a reasonable compensation to said members for any special services that may be required of them by said board. They may prescribe and enforce such by-laws and rules, not contrary to law, as they may deem necessary for the proper conduct of the business and affairs of said sinking fund. Such by-laws may provide for deductions to be made from the compensation of the officers and employes of the sinking fund for neglect of duty or violation of the by-laws. Said commissioners shall elect and appoint all officers and employes of said sinking fund, and shall prescribe their duties and fix their compensation; and all officers and employes of said sinking fund, except the president, treasurer and secretary, shall hold their offices at the pleasure of the board, as prescribed by the by-laws.

By-laws and rules.

(3) The said commissioners, other than the Mayor and president of the board of aldermen, shall be chosen for the term of three years and until their successors shall have qualified. The general council shall on joint ballot, in the month of October of each year, elect a commissioner of the

Chosen—manner of—term.

sinking fund to fill the place of the commissioner whose term of service expires that year. In the event the general council fail to elect in that month, then the election shall be made by the commissioners themselves. If the person elected at any election by the general council shall fail to qualify within ten days next after his election, he shall be regarded as declining to act, and the commissioners of the sinking fund shall elect a person to fill said vacancy at a regular meeting of said board. Nothing in this act shall in any manner interfere with the term of office of any commissioner now elected by the general council.

(4) No one who is either alderman, councilman or an officer of said city, county or State, shall be eligible to said office of commissioner to be elected by the general council, and who does not possess the qualifications required for the office of councilman in cities of the first class.

Eligibility.

(5) Each of the commissioners of the sinking fund, and the treasurer and secretary of said commissioners, before entering upon the discharge of the duties of his office, shall make oath well, truly, faithfully, and according to law, to discharge the duties of his office, which oath being reduced to writing, shall be signed by the affiant and attested by the officer administering said oath, and delivered, filed and kept as a part of the records of the sinking fund.

Oath.

(6) The said commissioners may be removed from office for malfeasance or misfeasance, by the board of aldermen in the same manner as provided for the removal of executive and ministerial officers of cities of the first class.

Removal.

(7) Any person having charge, control or possession of said sinking fund, or any part thereof, or any of its property, money, or evidences of property or stock or other valuable thing, who shall willfully embezzle or misapply the same, or any part thereof, shall be deemed guilty of a felony, and on conviction thereof shall be confined in the penitentiary of this State not less than one nor more than twenty (twenty) years at the discretion of a jury.

Penalty for embezzlement, etc.

Sinking fund under control of. (8) The sinking fund shall be under the control and management of the commissioners of the sinking fund, and shall be held and sacredly used for the payment of the principal and interest of the bonded debt of the city. The general council shall have no power to pass ordinances to diminish the present resources of the sinking fund as now established until the debts of said city, now or hereafter charged or chargeable upon said fund are paid, but may pass laws to increase the said resources; and the whole resources of said fund from year to year shall be sacredly set apart and applied to the payment of the interest and principal of the city's debts chargeable on said fund, and to no other use or purpose until the whole of the debts of said city are fully paid and satisfied, including the present and any future indebtedness of said city. Nor shall any other bonds, nor interest thereof, be charged upon said fund, unless provisions are made for the payment thereof at the time of the charge, sufficient, in the opinion of the commissioners to pay the same.

Surplus.

(9) The funds, estate and income belonging now or hereafter to said fund shall be and is vested in and be under the control and management of the board of commissioners for the purposes herein declared; and if injured, withheld or abstracted, said board of commissioners may sue for and recover the same or any part thereof in their corporate name. The said commissioners shall apply said fund to the payment of the city's debts chargeable on the same, when they can do so on fair terms; but whenever there shall be a surplus of said fund, which can not be applied on fair terms to the extinguishment of said liabilities, the said commissioners may invest the same in bonds of said city, or for which it is bound, or bonds of the State of Kentucky, or in United States bonds.

When insufficient to pay.

(10) Whenever it is apparent to the commissioners of the sinking fund of any city of the first class that the revenue and available assets of said sinking fund will be insuff-

cient to pay when due, any future maturing bonds of said city then issued and chargeable to said sinking fund, without unduly impairing the assets of said sinking fund,, and the said commissioners of the sinking fund shall certify this fact to the general council of said city, the general council shall at once provide by ordinance for the refunding of said bonds by the issue of other bonds of said city, bearing such rate of interest and payable at such time and place as may be prescribed by the ordinance, and cause the same to be delivered to the commissioners of the sinking fund to be by them sold or exchanged, as they may deem most expedient, in order to retire the bonds which it is necessary to refund. The certificate of the commissioners of the sinking fund as to the inability of the sinking fund to pay when due any future maturing bonds out of its revenue and available assets, shall be conclusive evidence of the facts recited in said certificate.

(11) The commissioners of the sinking fund of cities of the first class shall have power, whenever they deem it necessary and expedient to do so, to borrow money to pay liabilities of the sinking fund, when the same can not be paid at maturity out of the current income of the sinking fund to secure the re-payment of any money so borrowed. Provided, however, they shall not at any time borrow a greater sum than in their judgment can be repaid out of the current income of the sinking fund during the year in which the money is borrowed.

Borrow money—
when.

(12) The commissioners of the sinking fund shall deposit the funds in their hands as commissioners in some incorporated bank, State or National, located or doing business in said city. The bank selected by the commissioners aforesaid shall give bond with good and sufficient security to secure the said commissioners the payment of all moneys and other things of value deposited by them with such bank; and upon such bond recovery may be had for any breach of the conditions thereof by suit in any court of

Depository.

competent jurisdiction. The moneys or other things of value belonging to the sinking fund, or which may be placed to the credit of the commissioners of the sinking fund, can only be withdrawn upon the order of the treasurer and secretary, approved and certified by the president of the commissioners of the sinking fund.

Stock in Louisville Water Co.

(13) There shall be added to the present resources of the sinking fund of said city the stock owned by her in the Louisville Water Company. The commissioners of the sinking fund shall have the power to purchase from individuals holding the same the certificates of stock held by said individuals in the Louisville Water Company, and when so purchased shall be held by said commissioners as a part of the sinking fund of said city.

Bonds of South Louisville.

(14) The sinking fund is hereby charged with the payment of the principal and interest of the fifty thousand dollars of bonds issued by the town of South Louisville, dated the first day of November, one thousand eight hundred and ninety-two, and payable on the first day of November, one thousand nine hundred and twelve, at the Fidelity Trust and Safety Vault Company, of Louisville, Kentucky, and the general council shall make an annual levy, sufficient in the opinion of the commissioners of the sinking fund, to pay the interest upon said bonds, and to create a fund for the principal thereof, when due, and said sums so levied and collected shall be paid into the sinking fund for the aforesaid purposes.

Speculating in bonds.

(15) It shall be unlawful for a commissioner of the sinking fund to trade or speculate in the bonds of a city of the first class, but any commissioner may hold or sell any such bond or bonds as he may own at the time he became a commissioner, and he may purchase such bonds as an investment, having first obtained the consent of the commissioners to do so, by resolution entered upon their record book. If any commissioner shall violate this section, he thereby vacates his office, and it shall be the duty of the

other commissioners to elect another person to fill the vacancy.

(16) The commissioners of the sinking fund, a majority thereof concurring, shall appoint or elect a suitable person who shall act as a treasurer and secretary of the board, and shall be the chief license inspector. He shall execute a bond to the commissioners and their successors, with good and sufficient surety, to be approved by them, to faithfully perform his duties and faithfully account for all moneys, notes, bonds, stocks or other things of value that may come to his hands or control, and upon such bond recovery may be had for any breach of the conditions thereof. His term of office shall be four years and until his successor is qualified, and all vacancies occurring during the time shall be filled by an appointment of said commissioners. Said treasurer and secretary shall keep a true and correct record of all proceedings of the board of commissioners, receive and disburse all moneys by order of the board, keep a true and correct account thereof, superintend the issuing of licenses and receive the money therefor, and perform all other acts required of him by said board. He shall account for all moneys, bonds, stocks and other thing of value belonging to the sinking fund that may come to his hands or control; and if he shall appropriate to his own use any funds, money or other property belonging to said sinking fund, or shall fail or refuse to surrender any books, papers, moneys, bonds, stocks, notes or other thing of value to his successor in office, or to any person legally entitled to receive the same, he shall be deemed guilty of embezzlement and punished as provided by law for said offense.

(17) The commissioners shall require monthly detailed statements from said treasurer and secretary of the condition of said funds; and on or after the first day of January of each year said treasurer and secretary shall furnish to the general council a full, detailed statement of the said

Treasurer and
secretary of
board.

Monthly state-
ments.

funds, its receipts and disbursements for the preceding year.

Bonds hereafter issued. (18) All bonds that may hereafter be issued by the said cities of the first class shall be made a charge upon the sinking fund of said city, and said bonds, when issued, shall be placed with and sold by the commissioners of said sinking fund; but no bond or bonds shall be made a charge upon said sinking fund unless provision shall be made for the payment of the interest and principal thereof at the time of said issue.

(19) It shall be lawful for warrants issued by the clerk of the police court in cities of the first class for a violation of license ordinances, or process in proceedings thereunder, to be executed by an assistant license inspector of said city, and his service thereof shall have the same effect as if done by the bailiff of said court; and it shall be the duty of said clerk to issue such process directed to an assistant license inspector whenever requested by an assistant license inspector to do so.

Repealing clause. § 2. All acts or parts of acts inconsistent or in conflict with this act are hereby repealed.

§ 3. That section two hundred and twenty-five be and the same is hereby repealed, and in lieu thereof the following is enacted as section two hundred and twenty-five:

*Sec. 3011 Ky.
Stats.*

Licenses.

§ 225. The general council shall, by ordinance, provide for the following licenses, to be paid into the sinking fund, with adequate penalties for doing business for following the calling, occupation, profession, or using, or holding, or exhibiting the articles herein named without the required license:

Hawker, etc.

For each hawker, huckster or peddler, not less than twenty dollars nor more than one hundred dollars per annum.

Attorney, etc.

For each attorney and counsellor at law, physician, surgeon, dentist or architect, not less than ten dollars nor more than one hundred dollars per annum. Should any of

the foregoing parties be associated in a firm, each member of the firm shall pay a separate license tax.

For any theatrical exhibition, museum, public dance house, public ball room, concert hall, lecture, show, circus, flying dutchman, menagerie, ball, dance, entertainment or performance in the city for pay, not less than five dollars nor more than one hundred dollars a day, as the general council shall by ordinance, prescribe; but a yearly license may be granted to a theater, museum, public dance house or public ball room, at not less than two hundred dollars nor more than five hundred dollars per annum.

For each dancing school or academy, not less than twenty-five dollars nor more than one hundred dollars per annum.

For each vehicle running in said city, not less than two dollars nor more than fifty dollars per annum.

For each billiard table, pool table, bowling alley or shooting gallery, not kept exclusively for family use, not less than twenty-five dollars nor more than one hundred dollars per annum.

For each tavern, hotel, public boarding house or place of public resort or entertainment wherein no malt, fermented, spirituous or vinous liquors are sold, not less than ten dollars nor more than one thousand dollars per annum.

For each real estate office or agency, house agent, loan broker, intelligence office, claim agent, mercantile agent, collecting agent or agency, employment agency or information bureau, commercial agent, stock and bond broker, merchandise broker, street broker, exchange broker, financial agent, promoter, claim broker, not less than twenty-five dollars nor more than five hundred dollars per annum.

For each stock yard, rendering or tanking house, pork house or other meat packing establishment or canning establishment, not less than two hundred dollars nor more than five thousand dollars.

Theatrical exhibition, etc.

Dancing school.

Vehicles.

Billiards and pool.

Tavern, etc.

Real estate agency, etc.

Stock yard, etc.

Livery stable,
etc.

For each livery stable, sales stable or dealer in live stock, or butcher, not less than twenty-five dollars nor more than one thousand dollars per annum.

Pawnbroker.

For each pawnbroker, not less than three hundred dollars nor more than five hundred dollars per annum.

Insurance com-
pany.

Every life, fire or accident, casualty and indemnity insurance company, title company, title insurance company, or abstract company, doing business in said city, shall, on or before the first day of February of each year, pay to the sinking fund not less than two nor more than three dollars on every hundred dollars of premiums received on business done in the city during the previous year.

Insurance ad-
juster.

For each insurance adjuster, not regularly employed by a licensed insurance company in said city, not less than one hundred nor more than five hundred dollars per annum.

Building and
loan association.

For each building and loan association, land company and investment company, not less than one hundred dollars nor more than five hundred dollars per annum.

Bank, etc.

For each bank, trust, and title company, the license tax shall be not less than four nor more than six per cent of its gross earnings, exclusive of rent from real estate paying a tax to the city.

Sprinkling com-
pany.

For each sprinkling company the license tax shall be not less than two and one-half nor more than three and one-half per cent of its gross earnings.

Telephone com-
pany.

For each telephone company the license tax shall be not less than two nor more than three per cent. of its gross earnings.

Street car com-
pany.

For each street car company the license tax shall be not less than two and one-half nor more than three and one-half per cent of its gross earnings.

Gas company.

For each gas company, electric light company, heating or lighting company, the license tax shall be not less than two nor more than three per cent of its gross earnings, less the amount received for light and heat furnished at the cost of the city.

For each veterinary surgeon or veterinary dentist or chiropodist, not less than ten dollars nor more than one hundred dollars per annum. ^{Veterinary surgeon.}

For each laundry, laundry office other than the laundry itself, branch laundry office, or laundry agent or agency, barber shop, lodging house, book agent, soliciting agent, bill poster, master builder, contractor, advertising agent, or scavenger, not less than ten dollars nor more than five hundred dollars per annum. ^{Laundry.}

For each restaurant or eating house, not less than ten dollars nor more than one hundred dollars per annum. ^{Eating house.}

For each auctioneer, not less than twenty-five dollars nor more than five hundred dollars per annum. ^{Auctioneer.}

For each public warehouse, storage house, grain elevator, tobacco warehouse, tobacco dealer or broker, tobacco inspector, not less than twenty-five dollars nor more than one thousand dollars per annum. ^{Warehouse.}

For each photographer, bath house, skating rink or park, roller skating rink, swimming pool, commercial shipping agent, not less than ten dollars nor more than three hundred dollars per annum. <sup>Bath house.
Skating rink,
etc.</sup>

For keeping, owning or harboring a dog or bitch, not less than two dollars per annum. ^{Dog.}

§ 4. That section two hundred and twenty-seven be, and the same is, hereby repealed, and in lieu thereof the following is enacted as section two hundred and twenty-seven:

§ 227. All licenses shall be paid for in advance, in the lawful money of the United States. All annual vehicle licenses shall be issued to expire on the first day of May of each year. All annual licenses for dogs shall be made to commence on the first day of July of each year and to expire on the thirtieth day of June of each year. ^{Sec. 3013.}

§ 5. Inasmuch as it is necessary to increase the resources of the sinking fund to pay the bonded debt at the earliest moment, an emergency exists and is hereby declared, and ^{Emergency clause}

this act shall take effect from and after its approval by the Governor.

Approved March 22, 1902.

CHAPTER 84.

Amending secs. 3618, 3623 and 3649
of the
Ky. Stats.
AN ACT to amend an act for the government of cities of the fifth class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Cities of the
fifth class.
§ 1. That section twelve of article four of the acts of July third one thousand eight hundred and ninety-three, be, and the same is hereby, amended and re-enacted, so that, when so amended, it will read as follows.

Election of of-
ficers, mayor, etc.
“The members of the city council and mayor and police judge shall be elected by the qualified voters of said city at a general municipal election to be held therein on the Tuesday after the first Monday in November, one thousand eight hundred and ninety-three, and thereafter as their respective terms expire, and at the general election next preceding the expiration of their terms; the mayor and police judge to hold office four years, and the members of the city council two years, from the first Monday in January following their election: *Provided*, That the terms of police judges elected at the November election, one thousand eight hundred and ninety-three, shall begin on the first day of September, one thousand eight hundred and ninety-four, and continue until the November election, one thousand eight hundred and ninety-seven, and until their successors are elected and qualified.

Marshal, etc.
“The marshal, assessor, treasurer, clerk and city attorney shall be appointed for a term of two years by the city council, but may be removed at the pleasure of the city

council. The city council may appoint a pound-master, a superintendent of streets, a city engineer, a chief of fire department, city weigher, city physician, and a police court clerk, whose duties and compensation shall be fixed by the city council, and whose terms of office shall be for two years, but either may be removed at the pleasure of the council."

§ 2. That section thirty-seven of said act be amended and re-enacted, so that when amended it will read as follows:

Amending sec.
3629 Ky. Stats.

"The department of police of said city shall be under the direction and control of the city marshal; and for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now, or may hereafter be, conferred upon sheriffs by the laws of the State, and shall, in all respects, be entitled to the same protection: and his lawful orders shall be promptly executed by deputies, police officers and watchmen in said city, and every citizen shall also lend him aid when required for arrest of offenders and maintenance of public order.

Police.

"He shall, and is hereby authorized, to execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute before the police court all breaches or violations of, or non-compliance with, any city ordinance which shall come to his knowledge. He shall collect all taxes placed in his hands by the city council for collection, except license taxes and taxes paid by banks, trust companies, building associations and other corporations, which taxes shall be paid directly to the treasurer. He shall, on the first Monday in each month pay to the city treasurer all taxes and other funds of said city collected by him during the preceding month. He shall, upon payment of the money, file with the treasurer

Marshal, duties
of.

an affidavit stating that the money so or funds he has collected or received CHAP^T
He shall, upon receipt of any tax list, section 9 the same to the city clerk, and shall, ~~use~~ ^{Act to} the city clerk the delinquent tax list, take for. He shall have charge of the city ~~it~~ ^A ers, and of any chain gang which may ~~be~~ ^{The Gene} the city council. He shall, for service ~~of~~ receive the same fees as constable.

Deputies.

"He may appoint, subject to the approval of the council, one or more deputies, for whose bondsmen shall be responsible, whose only duty shall be fees for service of process, which to read same as those allowed the city marshal. ~~He~~. To with the concurrence of the mayor and ~~the~~ ^{the} when the same may be by them deemed necessary for preservation of public order, appoint additional ~~one~~, who shall discharge the duties assigned them ~~for~~ of ~~the~~ only. He shall perform such other services as the ~~city~~ and the ordinances of the city council shall require. ~~Provided~~, That the city council may appoint a city tax collector who shall perform the duties pertaining to the collecting of taxes as heretofore set out in this chapter, but who may give bond in such sum as may be required by the city council before entering upon the discharge of his duties."

Amending sec.
3649 Ky. Stats.

§ 3. That section forty-three of said act be, and the same is hereby, amended and re-enacted so that when amended it shall read as follows:

"The city council may, in special cases, employ an attorney for the city who may not reside in such city, and shall be paid such compensation as the council may, by ordinance, prescribe: *Provided*, That this section shall not be construed so as to permit the city council to appoint a city attorney who does not reside in the city."

Approved March 22, 1902.

~~the money so
or received~~

CHAPTER 85.

~~by tax list,
d shall, up
x list, ta~~

b-section 9 of section 9, of the Acts of June

~~An Act for the government of cities of the~~

~~the city~~

~~which may the General Assembly of the Commonwealth
service a~~

section nine of section nine of the act, en-
the app for the government of cities of the fourth
~~or whose~~ June twenty-eighth, one thousand eight
~~whose on~~ ninety-three, be, and the same is hereby
~~ess, whis~~ to read as follows:

Amending sub-
sec 9 of sec. 9
Acts 1893.

~~marshal~~ on 9. To construct sewers along or under any
~~or and the~~, alleys or highways of the city, and may as-
~~emed~~ entire cost, including the intersections, of con-
~~t additio~~ the same, to an amount not exceeding one dollar
~~ned the foot of the abutting property, upon the lots and~~
~~rvice standi~~ or abutting upon said streets, alleys or
~~shall be in, under and along which the sewers shall have~~
~~a c~~ constructed; the cost of the construction of sewers
~~to the~~ said sum of one dollar per front foot of the
~~ing property, shall be apportioned equally on the~~
~~abutting lot owners according to the front or abutting~~
~~When the amount of the quotient, after dividing~~
~~entire cost of the construction of the sewer, as esti-~~
~~and computed to the general council by the engineer~~
~~the front or abutting foot, exceeds the sum of one dol-~~
~~re cost of construction of said sewer shall be assessed~~
~~n the lots and lands in the district of said sewer which~~
~~be benefited thereby, according to the benefits re-~~
~~ed, and the said district shall be defined before the im-~~
~~rement is made, and in every such case the council~~
~~ll, by ordinance, fix and determine the amount of tax~~

Construction of
sewers in fourth
class cities.

to be levied upon the several lots or lands so benefited. The general council may, however, out of the general fund, contribute and pay toward the construction of such sewer such part of the cost thereof as may to the council seem proper. The tax provided for in this section shall be a lien upon such abutting property or benefited property, as the case may be, and may be collected and enforced as street improvement liens are collected and enforced, but the amount of sewer tax assessed against any lot or land shall in no event exceed one dollar per front or abutting foot. Nothing herein shall be so construed as to prevent the board of council from paying for all or any part of any sewer or sewers constructed under this act.

Approved March 22, 1902.

CHAPTER 86.

AN ACT authorizing the fiscal courts of this Commonwealth to buy and furnish tools to be used on the dirt and gravel roads of their respective counties, and requiring overseers to take proper care of them, and fixing penalty for failure so to do.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fiscal courts in each county in this Commonwealth, wherein the dirt and gravel roads are worked by hands allotted to same, shall have the right to purchase, out of the road and bridge funds of their respective counties, and furnish to each overseer of roads, such tools as the court may think right and proper to be used in keeping said roads in repair.
County court to purchase tools to be used on roads.

§ 2. Each overseer shall be required to give his receipt for all tools furnished him under the provisions of this act, and it shall be his duty to take proper care of all tools

thus furnished him, and when not in use keep them properly housed, and at the expiration of his appointment turn them over to his successor and take his receipt therefor, which receipt shall be filed with the clerk of the county court.

§ 3. Overseers or surveyors, who are furnished tools under the provision of this act shall not allow them to be used for any purpose, except to be used on the public roads of the county.

§ 4. Any overseer, or surveyor, violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction fined not less than two nor more than ten dollars, which may be recovered upon warrant in the justice's court of the district, or county court of the county wherein said violator lives. All such fines, when collected shall be used for road purposes, and upon failure to pay a *capias pro fine* may issue.

§ 5. All laws and parts of laws in conflict herewith are hereby repealed.

§ 6. This act shall take effect and be in full force within ninety days after the adjournment of the General Assembly.

Repealing clause.

Approved March 24, 1902.

CHAPTER 87.

AN ACT to amend an act, entitled "An Act to provide for the creation and regulation of real estate title insurance companies."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section six, chapter ninety-nine, of Session Acts, one thousand eight hundred and ninety-four (now section seven hundred and thirty of chapter thirty-two, Kentucky Statutes) be, and the same is hereby, amended and re-enacted so as to read as follows.

Amending sec.
730 Ky. Stats.

"No such corporation shall be formed with a smaller capital than twenty-five thousand dollars for the transaction of business in counties having a population of less than seventy-five thousand; and not less than fifty thousand dollars for the transaction of business in counties having a population of over seventy-five thousand and less than one hundred thousand, and not less than one hundred and fifty thousand dollars for the transaction of business in counties having a population of over one hundred thousand.

Approved March 24, 1902.

CHAPTER 88.

Appropriating
money.

AN ACT to appropriate two thousand dollars to mark and preserve the graves of Confederate soldiers who were slain at Perryville, Ky.

WHEREAS, The remains of the Confederate soldiers who fell in the battle at Perryville, Kentucky, October eighth, one thousand eight hundred and sixty-two, yet lie on the field in unmarked graves, and

WHEREAS, The bodies of the Federal soldiers, who were slain in that memorable passage at arms have been gathered by a grateful government, and reinterred in a beautiful national cemetery; and,

WHEREAS, The General Assembly of the Commonwealth of Kentucky did, on the tenth day of March, one thousand eight hundred and ninety-eight, appropriate the sum of five hundred dollars, to be expended by certain commissioners in the construction of a suitable enclosure of these graves and the erection of a modest shaft in commemoration of the valor of the Confederate soldiers, who fell on this bloody field, and

WHEREAS, The commissioners have by individual sub-

scription received a sufficient sum to buy and pay for the graveyard, and have had it conveyed to said commissioners and their successors, no part of said five hundred dollars appropriated having been spent; and,

WHEREAS, The sum of five hundred dollars is not a sufficient amount with which to accomplish the purpose of its appropriation, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated the sum of two thousand dollars in addition to the five hundred dollars heretofore appropriated, to be expended by the commissioners, Boyle Rhodes, J. H. Baughman, S. D. Van Pelt, and R. J. Breckinridge, all of Boyle county, Kentucky, in the construction of a suitable enclosure of the graves of the Confederate soldiers, who fell on the bloody field, and to erect a modest shaft in commemoration of their valor.

The sum hereby appropriated shall be paid out of any money in the State Treasury not otherwise appropriated, to the commissioners hereinbefore named.

Approved March 24, 1902.

CHAPTER 89.

AN ACT to further amend the Criminal Code of Practice, which took effect January 1, 1877.

AN ACT to amend title six, article fifty, section two hundred and twenty-two of the Criminal Code of Practice, which was adopted by the General Assembly in 1876, and took effect January 1, 1877, being section 222 of present Criminal Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amending sec.
222 Criminal
Code.

That title six, article fifth, section two hundred and twenty-two of the Criminal Code of Practice adopted by the General Assembly in one thousand eight hundred and seventy-six and which took effect January first, one thousand eight hundred and seventy-seven and being section two hundred and twenty-two of the present Criminal Code of Practice be amended so that the same as amended shall read as follows:

"The defendant, or his attorney, may then state the nature of his defense, and the law and evidence upon which he relies in support of it: *Provided*, He may, at his option, make the statement herein referred to immediately before the Commonwealth introduces any of its testimony, and after the attorney for the Commonwealth, if he has so desired, has made the statement for the Commonwealth."

Approved March 24, 1902.

CHAPTER 90.

AN ACT to cure certain defective certificates of proof deeds, and to make copies from the records *prima facie* evidence in the courts and tribunals of this State.

WHEREAS, It was heretofore provided by law that "deeds executed in this State, by persons other than married women, may be admitted to record by proof of two subscribing witnesses, or by proof of one subscribing witness, who shall also prove the attestation of the others, and

WHEREAS, Many deeds have heretofore been admitted to record on proof of one subscribing witness; and

WHEREAS The clerks, in admitting such deeds to record, seem generally to have thought it unnecessary to show affirmatively in their certificates that such subscribing witness proved the attestation of the other subscribing witness. Now, therefore in order to cure all such defective certificates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Wherever a certificate admitting to record a deed executed in this State, by a person other than a married woman, shows that such deed was admitted to record on the proof of one of the subscribing witnesses thereto, it shall be presumed that such subscribing witness proved the attestation of the other subscribing witness as well as the execution thereof by the grantor; and a certified copy of any such deed which has been, or which may hereafter be, recorded in the proper clerk's office shall be *prima facie* evidence in all courts and tribunals of this State.

(See Barbour's Code, section five hundred and one and section five hundred and nineteen.)

Approved March 24, 1902.

Amending sec.
1880 Ky. Stats.

CHAPTER 91.

AN ACT to amend and re-enact section 9 of an act, entitled "An Act to authorize the court of claims or fiscal courts of the several counties of the Commonwealth of Kentucky to issue and direct the sale of bonds for the purpose of building, repairing or remodeling court houses, clerks' offices, jails or other public buildings, and to provide for the levying and collecting of taxes to pay the interest on and redeem the bonds, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section nine of an act, entitled "An act to authorize the court of claims or fiscal court of the several counties of the Commonwealth of Kentucky to issue and direct the sale of bonds for the purpose of building, repairing or remodeling court houses, clerks' offices, jails or other public buildings and to provide for the levying and collecting of taxes to pay the interest on and redeem the bonds, and declaring an emergency," be, and the same is hereby amended and re-enacted so as to read as follows:

§ 9. That before the bonds authorized by the first section hereof shall issue, said court shall, by order entered of record, suggest an appropriation, and designate, specifically the object, purpose and amount thereof, and shall also order an election to be held, and direct a poll to be opened at the several precincts in the county on the day of the next general election to be held in the county which does not occur within less than sixty days after the above orders are made, at which election the appropriation suggested by the court, as directed above, shall be submitted to the legal voters of the county for their approval or rejection. It shall be the duty of the court, by orders entered of record, to direct the sheriff of the county to advertise said election and the object thereof for at least thirty

days next before the day thereof in some newspaper published in the county having the largest circulation therein, and if none be published in the county, then by printed handbills, posted up at three of the most public places in each precinct and at the county seat. It shall be the duty of the officers of said election in each precinct to hold said election the same hours they are required to hold elections for the county officers, and said election shall be held and conducted in all respects under the general election laws obtaining in this Commonwealth at the time the election is held, and unless two-thirds of the votes polled ratify the appropriation, said bonds shall not be issued as provided above.

Approved March 24, 1902.

CHAPTER 92.

AN ACT to provide for and regulate public advertising.

Public advertising.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to the notices now required by law to be posted, all public sales of any kind of property, when sold under execution judgment or decree, shall unless otherwise agreed upon by the parties to such execution, judgment or decree be advertised in some newspaper published in the county of such sale, if any newspaper be therein published, at least once a week for three consecutive weeks next preceding the day of sale: *Provided* That, in counties where there is a daily newspaper published or in general circulation, publication of such notice of sale for three consecutive days next preceding the day of sale shall be sufficient. The advertisement shall state the time, place and terms of sale and shall give

a description of the property to be sold: *Provided*, That the newspaper advertisement herein provided for shall not be necessary where the appraised value of the property to be sold is less than one hundred dollars to be ascertained by appraisement in each case as now provided by law.

Suit or action.

§ 2. That whenever any suit or action in court involving the settlement of any estate whatever is referred to any commissioner or other officer to receive and report claims or for any other purpose, it shall be the duty of such commissioner or other officer to advertise the time, place, and purpose of his sittings in the same manner as provided for advertising sale of property by section first hereof.

Newspaper ad-
vertising.

§ 3. That for all newspaper advertising required by this act or by other law, the publisher shall be entitled to receive as full compensation for such advertising, at the rate of fifty cents per linear inch, single column, solid, eight point measure for each insertion, and in all advertisements in judicial proceedings, the cost of advertisement shall be taxed as costs by the clerk of the court: *Provided*, That the rates of advertising in daily newspaper shall not exceed one dollar per linear inch per insertion.

§ 4. The advertisement required by this act shall, at the option of the parties, be done either in an American or German newspaper.

Approved March 24, 1902.

CHAPTER 93.

AN ACT to amend section 8 of an act, entitled "An Act creating fiscal courts in the several counties in this Commonwealth," approved October 17, 1892. Amending sec. 840 Ky. Stats.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section eight of an act entitled, "An act creating fiscal courts in the several counties in this Commonwealth," approved October seventeenth, one thousand eight hundred and ninety-two, be, and the same is, now amended so that said section shall read:

The fiscal court shall have jurisdiction to appropriate county funds authorized by law to be appropriated; to erect and keep in repair necessary public buildings, secure a sufficient jail and a comfortable and convenient place for holding court at the county seat; to erect and keep in repair bridges and other structures and superintend the same; to regulate and control the fiscal affairs and property of the county, to make provisions for the maintenance of the poor, and provide a poor house and farm, and provide for the care, treatment and maintenance of the sick poor, and provide a hospital for said purpose, or contract with any hospital in the county to do so, and provide for the good condition of the highways in the county, and to execute all of its orders consistent with the law and within its jurisdiction, and shall have jurisdiction of all such other matters relating to the levying of taxes as is by any special act now conferred on the county court of levy and claims." Fiscal court in counties.

§ 2. Whereas, there are many poor, sick persons who can not properly be treated in a poor house or place other than a hospital, and who require immediate treatment, an emergency is hereby declared to exist, and this act shall take effect from its passage and approval by the Governor.

Approved March 24, 1902.

CHAPTER 94.

Amending sec.
1845 Ky. Stat.

AN ACT to amend section 12 of an act, entitled "An Act creating fiscal courts in the several counties in this Commonwealth," approved October 17, 1892, being section 1845 of the Kentucky Statutes, and relating to the compensation of members of the fiscal court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section twelve of an act entitled "An act creating fiscal courts in the several counties in this Commonwealth," approved October seventeenth one thousand eight hundred and ninety-two, being section one thousand eight hundred and forty-five of the Kentucky Statutes and relating to the compensation of members of the fiscal court, be amended and re-enacted so as to read as follows:

Fiscal court

"The members of the court except the county judge, shall be entitled to three dollars per day for each day they are engaged in holding fiscal court, and also for each day in which they are engaged in actual attendance at the meetings of the committees of said court; said compensation to be allowed by said court and to be paid out of the county levy: *Provided*, That no compensation shall be allowed the members of said court for attendance at the meetings of the committees thereof except in those counties that maintain a system of free turnpikes under the control and supervision of the fiscal court.

Compensation

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect within ninety days after the adjournment of the General Assembly.

Approved March 24, 1902.

CHAPTER 95.

AN ACT authorizing counties that maintain a system of free turnpike roads to condemn land for quarry purposes, and to condemn land for public highways.

Free turnpikes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any county in this State in which any of the public roads thereof have been macadamized, and are being maintained by taxation, may acquire title to one acre of land adjacent or near each mile of such road for the purpose of obtaining material with which to repair said road. And may also acquire the land necessary for a passway to and from said one acre of land.

§ 2. When the land necessary for a quarry and the entrance thereto can not be obtained by private agreement with the owner the county may have the same condemned, as provided for the condemnation of lands for railroads. And when land necessary for a public highway can not be obtained by private agreement with the owner the county may have the same condemned as provided for the condemnation of land for railroads.

Right to condemn lands, etc.

§ 3. There being no law now in force authorizing the counties of this Commonwealth to condemn land for the purpose set out in the second section of this act, an emergency is therefore declared to exist, and this act shall take effect and be in full force from and after its passage.

Emergency clause.

Approved March 24, 1902.

CHAPTER 96.

AN ACT to regulate the fees of appraisers of property sold at judicial sales.

Appraisers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Fees.

§ 1. That hereafter when any land or improvements are adjudged or ordered to be sold by any judgment or decree of any court, and an appraisement of such land or improvements is required, the appraisers shall receive and be paid out of the proceeds of sale, to be taxed as a part of the costs of the action in which the sale is ordered or decreed, a reasonable compensation to be fixed by rule of court.

§ 2. This act shall apply only to counties having a population of one hundred and fifty thousand or more.

Approved March 24, 1902.

CHAPTER 97.

AN ACT to repeal section 67, chapter 241, Session Acts, 1891-93, relating to the government of cities of the fourth class.

**Repealing sec.
3548 Ky. Stat.**

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section sixty-seven of chapter two hundred and forty-one of session acts of one thousand eight hundred and ninety-one and ninety-two and ninety-three, approved June twenty-eighth, one thousand eight hundred and ninety-three, and being section three thousand five hundred and forty-eight of the Kentucky statutes, be, and the same is, hereby repealed, and the following is substituted:

**Enacting in
place thereof.**

“The collector shall at the regular meeting in August, September, October, November and December, in each year report under oath to the board of councilmen and to the board of education, the amount of taxes he has collected belonging to the board of councilmen and the board of

education respectively, together with all fines, forfeitures or other money that he has collected; which report shall be accompanied by the receipt of the treasurer of the respective boards, for the amount due each board. Said report shall be filed and recorded in the books kept by said boards, which shall be open for inspection. The collector shall be required to make a full and complete settlement before each board at its January meeting of each year for all tax bills put in his hands for collection during the preceding year, and on said settlement the collector shall produce to the respective boards a list of insolvents and delinquents, and on the production of such lists said collector shall take the following oath to be administered by the clerk of the respective boards: You do swear that this list of insolvents and delinquents, now before this board and returned by you, is just and true, as you believe, according to the knowledge which you have, and that you have been to the residence (if in this county) of the party from which the tax is due, and that you can not find any property liable to sale for taxes, and that you will true answers make to all questions asked you touching said lists, and the efforts made by you to collect the amount thereof. The said board shall then proceed to examine the collector to ascertain the truth of the facts, and upon such answers, and other evidence, and their own knowledge to allow such portions of the list as may be right, as a credit to the collector on his settlement. No credit shall be allowed the collector on his settlement except actual payments made by him, the amount of such exonerations as may be made by the board of councilmen, and the amount allowed on the delinquent lists. After such delinquent list has been accepted by the board of council, the said board shall make such disposition of same, towards securing the collection thereof as it may deem proper.

Approved March 27, 1902.

CHAPTER 98.

AN ACT for the benefit of the Kentucky Children's Home Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appropriation. § 1. That there is hereby appropriated out of any money in the Treasury, not otherwise appropriated, the sum of ten thousand dollars for the benefit of the Kentucky Children's Home Society, and the Auditor of Public Accounts, be, and he is hereby authorized and directed to draw his warrants upon the Treasury in favor of the treasurer of the Kentucky Children's Home Society for the total sum of ten thousand dollars: *Provided*, No part of said appropriation shall be paid until there has been executed on the part of said society a bond to the Commonwealth of Kentucky with good and sufficient security stipulating and providing that all of said sum of money so appropriated shall be applied to the purposes of the charter of said society that is, to the care, support and maintenance of homeless and destitute children in this Commonwealth and providing homes for same and a failure so to do to be a forfeiture thereof. Said bond to be approved by the Auditor of Public Accounts and kept as a record in his office. If any part of said appropriation be not so applied then all or such part thereof as may be unexpended shall be returned to and covered into the State Treasury. This appropriation to be expended within six years or returned to the State Treasury. Said society shall by its proper officers make an annual verified statement and settlement with the Auditor of Public Accounts showing, when, where and how said fund or appropriation has been applied and disbursed.

Bond.

Annual statement.

§ 2. The said Auditor is authorized and directed to draw

his warrant upon the Treasury in favor of the Treasurer of the Kentucky Children's Home Society on June first, one thousand nine hundred and two, for the sum of five thousand dollars.

§ 3. The said Auditor is authorized and directed to draw his warrant upon the Treasury in favor of the treasurer of the Kentucky Children's Home Society for the sum of five thousand dollars on June first, one thousand nine hundred and three.

Approved March 27, 1902.

CHAPTER 99.

AN ACT to amend an act empowering the county courts of this Commonwealth to authorize the drainage of land where the same shall be conducive to the public health or convenience of its inhabitants, which act became a law March 23, 1900.

Amending and
re-enacting chap.
30, Acts 1900—
chap. 76, Ky.
Stats.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act of March twenty-third, one thousand nine hundred, for the drainage of wet land, being chapter thirty of the acts of the General Assembly of Kentucky of one thousand nine hundred, being, and the same is hereby amended as follows:

By inserting in the ninth line of section nineteen, between the words "not" and "completed" the following words, "begun within fifteen days after the time fixed by the viewers or reviewers, as the case may be, in their final report." And also by striking out entirely the last three lines of said section nineteen, so that said section, as amended shall read as follows:

"§ 19. Construction of Work—Letting of Contracts—Bonding of Contractors.—After the transcript of the pro-

Construction of work. ceedings had in the circuit court, and all other papers in the case are returned to the county clerk's office, the court shall cause such entries to be made on the record as may be necessary to give effect to the judgment of the circuit court, or if there be no appeal any job not begun within

Letting of contracts. fifteen days after the time fixed by the viewers or reviewers in their final report, or not completed in the time fixed by the viewers or reviewers, as the case may be, shall be sold by the county clerk to the lowest responsible bidder

Bonding of contractors. at the court house door; but before the clerk shall make such sale, he shall give notice for two consecutive weeks by posting three written or printed copies of such notice in three public places in the vicinity of the proposed work and one at the door of the court house of the time when and the place where he will sell such allotment; and no bid will be entertained which exceeds twenty-five per cent. over and above the estimated cost of construction of such allotment; and the clerk shall contract with the party to whom the allotment is sold requiring him to construct such share or allotment in the manner set forth in the report of the viewers or reviewers, and within such time as the clerk may fix not exceeding ninety days from the day of sale, and shall take from him a bond with two freehold securities, payable to the State, for not less than double the amount for which such work is sold, to be approved by the clerk, conditioned that he will perform his contract and pay all damages which may accrue to any person by reason of his failure to complete the job within the time required in the contract therof."

And that said act be further amended by striking out entirely sections twenty-two, twenty-three, and twenty-four thereof, and by substituting therefor the following section: "The county judge of the county in which any such ditch shall be established, or judge of the county in which the greater length of any such ditch is established, in case

it shall be established in two or more counties, shall appoint a superintendent thereof, whose duty it shall be to keep the ditch at all times open and free from drift and obstruction of all kinds, and his compensation shall be fixed by the county judge so appointing him. And all lands originally assessed for the construction of said ditch shall contribute in proportion to their original assessment to provide a fund for the payment of the superintendent's salary, and the other necessary cost of keeping such ditch open and free from all obstructions, *Provided, however,* That no assessment for such purpose shall exceed five per cent. of the original assessment, and shall be made by the judge and clerk of the county court of the county in which such superintendent is appointed, and such assessment when made shall be placed in the hands of the sheriff and collected as the other taxes are collected and when so collected shall be turned over to the county clerk and shall be paid out by him only upon the order of the superintendent when approved by the county judge. The superintendent may employ such help as may be necessary to keep the ditch open and free from obstruction, and will give his order upon the county clerk, to be approved by the county judge for payment. The superintendent shall execute a bond with good and sufficient freehold securities payable to the State, to be approved by the clerk of the court in which he is appointed, conditioned that he will faithfully perform the duties assigned to him."

Approved March 27, 1902.

Amending sec.
985 Ky. Stats.

CHAPTER 100.

AN ACT to amend and re-enact an act, entitled "An Act fixing the times and terms of circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December 28, 1892, and an amendment thereto approved March 20, 1900, so far as same applies to the Tenth Circuit Court District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

As to tenth dis-
trict.

§ 1. That an act, entitled "An act fixing the times and terms of circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December twenty-eighth, one thousand eight hundred and ninety-two, and an amendment thereto, approved March twentieth, one thousand nine hundred, so far as same applies to the Tenth Circuit Court District be, and the same is hereby amended and re-enacted so as to make same read as follows:

Barren county, at Glasgow, on first Monday in March eighteen juridical days; third Monday in June, twenty-four juridical days; second Monday in November, twenty-four juridical days.

Hart county, first Monday in January, eighteen juridical days; third Monday in April, twelve juridical days; second Monday in September, eighteen juridical days.

Larue county, fourth Monday in January, twelve juridical days; first Monday in May, twelve juridical days; first Monday in October, twelve juridical days.

Nelson county, second Monday in February, eighteen juridical days; third Monday in May, twenty-four juridical days; third Monday in October, eighteen juridical days.

Bullitt county, fourth Monday in March, eighteen juridical days; fourth Monday in August, twelve juridical days; second Monday in December, twelve juridical days.

§ 2. Whereas, much inconvenience is occasioned to the litigants and their attorneys by the present law fixing the times of said court in said district, an emergency is hereby declared to exist, and this act shall take effect and become a law from and after its passage and approval by the Governor.

Approved March 27, 1902.

CHAPTER 101.

AN ACT to amend section 4 of an act, entitled "An Act fixing the times and terms of circuit courts in the counties composing the several judicial districts of this Commonwealth." Session Acts 1891-2-3. Amending sec. 965 Ky. Stats.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section four of an act entitled, "An act fixing the times and terms of the circuit courts in the counties composing the several judicial districts in the Commonwealth," session acts one thousand eight hundred and ninety one, ninety-two and ninety-three, be, and the same is, amended as follows: The words "on the third Monday in April," and the words "fourth Monday in March and second Monday in November, eighteen juridical days each," and the words, "third Monday in February and May, eighteen juridical days each, be, and they are repealed, and said section four is amended so as to read as follows:

Time of holding court in fourth district.

Fourth District—Livingston county, at Smithland, on the second Monday in April, first Monday in September and first Monday in December, eighteen juridical days each.

Crittenden county—At Marion, third Monday in March and fourth Monday in June, eighteen juridical days each, and third Monday in November, twelve juridical days.

Caldwell County—At Princeton, on the first Monday in .

March ,twelve juridical days, and first Monday in June and fourth Monday in October, eighteen juridical days each.

Hopkins County—At Madisonville, on the first Monday in February, first Monday in May and fourth Monday in September, twenty-four juridical days each.

Emergency clause.

§ 2. An emergency exists for the immediate effect of this act because of the overcrowded condition of the docket in Hopkins county, and this law shall take effect from its passage.

Approved March 27, 1902.

CHAPTER 102.

Amending sec.
4111 Ky. Stats. AN ACT to amend an act, entitled "An Act relating to revenue and taxation," which became a law November 11, 1892.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section seven of article five of the act, entitled "An act relating to Revenue and Taxation," which became a law November eleventh, one thousand eight hundred and ninety-two (section four thousand one hundred and eleven of the Kentucky Statutes); be, and the same is hereby, amended by striking from said section in the third line thereof the words "on the first day," and inserting in lieu thereof the words "within the first ten days," and by omitting from said section the words "the serial number of packages in which it is contained," so that said section, as amended, shall read as follows:

Revenue and
taxation.

“§ 7. Every owner or proprietor of a bonded warehouse in which distilled spirits may be stored, as contemplated in the preceding section, shall, within the first ten days of January, May and September next after said government tax shall have been paid, become due or be removed from the warehouse, make and transmit to the Auditor of Pub-

lic Accounts and the clerk of the county court in which the spirits may have been at the time of the assessment a statement sworn to by the person whose duty it is to make the report, showing the quantity of spirits on which the government tax has been paid or has become due, and what spirits have been removed from the warehouse during the preceding four months; the years in which such spirits were assessed for taxation, and the county, city, town, or taxing district in which the warehouse is situated in which the spirits were stored at the time of the assessment, and shall at the same time pay all taxes and interest on such spirits due the State, county, taxing district, city or town to the officer entitled to receive the same."

Became a law March 29, 1902, without approval of Governor.

CHAPTER 103.

AN ACT to amend and re-enact section 4422 of the Kentucky Statutes providing for the appointment of school examiners upon the county board.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section four thousand four hundred and twenty-two of the Kentucky statutes be, and the same is, hereby ^{Amending sec.} ~~4422~~ Ky. Stats. amended and re-enacted, by inserting immediately after the word county in line six the following: "No persons shall be eligible as examiner on said county board who is at the time or for six months previous thereto, has been conducting or teaching in any school, college or university where teachers or those preparing to teach are making preparation to be examined for certificates to teach in the common schools of this State." Said section when so amended shall read as follows:

"The county superintendent shall appoint two strictly

School examin-
ers.

moral and well-educated persons, holding county certificates of the first class, State certificates, State diplomas, or diplomas from some literary institution of high learning, who, together with himself, shall constitute a board of examiners for the county. No person shall be eligible as examiner on said county board who is at the time or for six months previous thereto, has been conducting or teaching in any school, college or university where teachers or those preparing to teach are making preparation to be examined for certificates to teach in the common schools of this State. Before they shall be authorized to act in any capacity as such board, or grant any certificates, said examiners shall take and subscribe to an oath that they will faithfully discharge their duties as required by the common school law, and the said affidavit shall be filed in the office of the clerk of the county court."

Emergency
clause.

§ 2. An emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Became a law without the approval of the Governor March 29, 1892.

CHAPTER 104.

Amending sec.
272 Ky. Stats.

AN ACT to amend section 10 of an act, entitled "Mills," which became a law March 22, 1893, and now section 2721, Kentucky Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section ten of an act, entitled "mills," which became a law March twenty-second, one thousand eight hundred and ninety-three, and is now section two thousand seven hundred and twenty-one of the Kentucky Statutes be, and the same is hereby, amended and re-enacted by inserting the words "or exchanged" after the word ground, in lines eleven and twelve, and the words "or flour".

after the word meal, in line thirteen, of said section, so that section, when amended and re-enacted shall read as follows, viz.:

"Every owner or occupier of a mill grinding for toll whether established by law or otherwise, shall keep therein and use sealed measures of half bushel and peck, and a toll dish sealed, and shall measure all grain by strike measure, under the penalty of five dollars for every such failure, recoverable with costs before a justice of the peace, for use of the informer.

Every miller shall well and sufficiently grind the grain brought to his mill for the consumption of the person bringing or sending, in due time and in the order that the same shall be brought, giving the preference only to what may be necessary for his own family use.

He may take for toll one-eighth part and no more of all grain ground on, or exchanged in a watermill and one-seventh part, and no more, of all grain ground on, or exchanged in a steam mill, of which the remaining part, except that which is exchanged, shall be ground into meal or flour, and one-sixteenth part, and no more, of that, the remainder of which except that which is exchanged shall be ground into hominy or malt. For any violation of these rules as to time, order or quality of grinding, or as to the amount of toll taken or demanded, the owner or occupier of the mill shall forfeit five dollars to the party injured, recoverable with costs before a justice of the peace.

Became a law without the approval of the Governor March 29, 1902.

CHAPTER 105.

Stenographic reporters in courts of continuous session. AN ACT to provide for stenographic reporters for courts of continuous session.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That each judge of a circuit court of continuous session in counties having a population of less than one hundred and fifty thousand, and which county constitutes a

Judge may appoint. separate judicial district, may, in his discretion, appoint a stenographic reporter for such court, who shall hold office for a period of four years, or until his successor is appointed and qualified, unless such reporter is sooner removed by the judge of said court for neglect of duty, misbehavior in office or incompetency.

Oath. § 2. Said reporter, before entering upon the discharge of his duties, shall take an oath before the judge of said court to faithfully discharge the duties of his office. The appointment of said reporter, and the fact of his having qualified, shall be spread upon the order-book of the court for which he is appointed.

Shall attend sessions.

§ 3. Said reporter shall attend all sessions of said court from day to day, unless he is excused from such attendance by an order of the court; and said reporter shall, under the control and direction of said court, take stenographic notes of all oral evidence in criminal and penal prosecutions and ordinary actions tried in said court, and in any action, prosecution or proceeding in said court which the court may direct.

Absence of.

§ 4. In the absence of said reporter or when, for any reason, he does not or can not act, the court may appoint another person to act as stenographic reporter, and the acts of the person so appointed shall have the same effect for every purpose as if done by the stenographic reporter.

§ 5. Said reporter, when required by an order of the court, shall make a transcript of his notes taken in any action, prosecution or proceeding, and shall file said transcript in the clerk's office of the court for which said reporter has been appointed.

Transcripts to
be made by.
Used as evi-
dence.

§ 6. The testimony of any witness taken by said reporter may, in the discretion of the court in which it is taken, be used as evidence in any subsequent trial of the same issue between the same parties, where the testimony of such witness can not be procured; but the testimony so taken shall not be used in any criminal case except with the consent of the defendant.

Compensation.

§ 7. Said reporter shall receive for his services in taking stenographic notes a salary of not more than one thousand dollars per annum, to be fixed by the fiscal court of the county in which the court appointing said reporter is held, and to be paid in monthly installments by said county. For making transcripts of evidence taken by him, said reporters shall receive twenty-five cents per page original copy and ten cents per page for each duplicate thereof, said pages to average not less than thirty lines of not less than eleven words each. In civil actions or proceedings the fees of making any transcript or duplicate shall be paid by the party upon whose motion such transcript or duplicate is made, such fees to be taxed as part of the costs in the case. In criminal cases the fees for making transcripts and duplicates shall be paid by the county in which such court shall be held, whenever said transcript and duplicate are made upon the motion of the Commonwealth. If such transcript or duplicate is made upon motion of the defendant in a criminal case such defendant shall pay the fees therefor, unless the court is satisfied that he is unable to do so, in which event such fee shall be paid by said county.

§ 8. The transcript or duplicate made by the reporter

and filed in the clerk's office, when certified by the court to be correct, may be used in the Court of Appeals as part of the record in the action or prosecution in which the notes from which it has been transcribed were made.

Became a law without the approval of the Governor March 29, 1902.

CHAPTER 106.

Amending an
act approved
Feb. 26, 1878.

AN ACT to amend an act, entitled "An Act to organize, establish and incorporate the Cadiz High School in the town of Cadiz, in Trigg county," approved February 26, 1878.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Cadiz High
School.

§ 1. That section two of an act entitled, "An act to organize, establish, and incorporate the Cadiz High School in the town of Cadiz, in Trigg county," be, and the same is hereby amended by striking out all of said section two after the word "school" in the fourth line thereof and substituting therefor the following: "and the fiscal court of Trigg county at its regular April term fixed by said court, in the year one thousand nine hundred and three, shall elect a board of trustees for said school consisting of five members and the existing board of trustees of said school shall terminate when their successors shall have been so elected and qualified. That at its April term, or a term fixed by said court in one thousand nine hundred and four, said court shall place the names of all of the trustees of said school in a box, shake same well and some justice without seeing which shall draw from said box one name. The office of the trustee whose name is drawn shall be thereby vacated, and said court shall fill the vacancy by electing his successor, who shall hold said office for a period of five years. This procedure shall be repeated annually with the remaining trustees until all have been drawn out and their vacan-

cies filled in like manner. Then each year said court will elect a trustee of said school to take the place of the trustee whose term expires, which trustee shall hold his office for a period of five years. Upon the death, resignation, or other vacancy in the office of trustee, principal, or other officer of said school, the board of trustees shall fill the vacancy by appointment, but in the case of a vacancy in office of trustee said appointment shall be until the next meeting of the said court only.

§ 2. That each justice of the peace in Trigg county shall have the power to annually appoint one independent white child in the county, who shall be permitted to attend said school free of tuition and incidental fees for a session of ten months and may be re-appointed for three consecutive years thereafter. But if there be more than one applicant to any justice for appointment they shall stand a competitive examination under the supervision of the county school superintendent and the applicant receiving the highest grade shall be entitled to the appointment, so that said section two as amended shall read as follows:

§ 2. A majority of all the trustees shall be necessary for the election of a president, treasurer, and secretary, respectively, of said board of trustees, and also of a principal to said high school; and the fiscal court of Trigg county at its regular April term fixed by said court, in the year one thousand nine hundred and three, shall elect a board of trustees for said school consisting of five members and the existing board of trustees of said school shall terminate when their successors shall have been so elected and qualified. That at its April term, or a term fixed by said court in one thousand nine hundred and four, said court shall place the names of all of the trustees of said school in a box, shake same well and some justice without seeing which shall draw from said box one name. The office of the trustee whose name is drawn shall be thereby vacated and said court shall fill the vacancy by electing his successor, who

shall hold said office for a period of five years. This procedure shall be repeated annually with the remaining trustees until all have been drawn out and their vacancies filled in like manner. Then each year said court will elect a trustee of said school to take the place of the trustees whose term expires, which trustee shall hold his office for a period of five years. Upon the death, resignation, or other vacancy in the office of trustee, principal or other officer of said school, the board of trustees shall fill the vacancy by appointment, but in the case of a vacancy in office of trustee said appointment shall be until the next meeting of the said court only.

§ 2. That each justice of the peace in Trigg county shall have the power to annually appoint one independent white child in the county who shall be permitted to attend said school free of tuition and incidental fees for a session of ten months and may be re-appointed for three consecutive years thereafter. But if there be more than one applicant to any justice for appointment they shall stand a competitive examination under the supervision of the county school superintendent, and the applicant receiving the highest grade shall be entitled to the appointment.

Became a law without the signature of the Governor, March 29, 1902.

CHAPTER 107.

Amending
school law of
district 49.

AN ACT to repeal an amendment to an act entitled, "An Act to incorporate a system of public schools in district number 49 in Logan county, including the town of Adairville, approved March 24, 1888, which amendment was approved May 3, 1890.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to amend an act entitled "An act to incorporate and establish a system of public schools in district number forty-nine in Logan county, including the

town of Adairville," approved March twenty-fourth, one thousand eight hundred and eighty-eight, which amendment was approved May third, one thousand eight hundred and ninety, is hereby repealed.

§ 2. And whereas the time providing what persons may attend said school will soon expire an emergency is declared to exist, and this act shall take effect from its passage.

Became a law without the signature of the Governor, March 29, 1902.

CHAPTER 108.

AN ACT to amend section 18, article 2, chapter 100 of the Acts of 1891-2-3, entitled, "An Act concerning attorneys-at-law, Attorney-General, Attorney for Commonwealth, and attorneys for counties." which was approved October 10, 1892; same now being section 114, of Kentucky Statutes.

Amending sec. 114 Ky. Stats.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section eighteen, article two, chapter one hundred of the acts of the General Assembly of one thousand eight hundred and ninety-one, two, three, which was approved October tenth, one thousand eight hundred and ninety-two, be amended as follows:

Between the words, "he" and "shall," in line one of said section eighteen, insert the words, "with the assistance of the Auditor of Public Accounts;" strike out the word "he," in line six of said section eighteen, and in lieu thereof insert the words, "The Auditor of Public Accounts;" strike out the word "him," in line eight of said section eighteen, and insert in lieu thereof the word "attorney-general," so that said section eighteen, article two, chapter one hundred of the Acts of the General Assembly of one thousand eight hundred and ninety-one, two, three, same now being section one hundred and fourteen Kentucky Statutes, when thus amended shall read as follows:

§ 114. He, with the assistance of the Auditor of Public Accounts, shall investigate the condition of all unsatisfied claims, demands, and judgments in favor of the Commonwealth, and take all necessary steps by motion, action or otherwise to collect, or cause the same to be collected and paid into the treasury; and to this end the Auditor of Public Accounts may employ such assistance and attorneys in the various counties as may be necessary to aid the Attorney-general in such investigation or collection. The fees of such assistance as he may have shall be fixed and agreed upon by the Auditor and Governor, be paid out of the State treasury, and shall in no case exceed thirty per cent. of the amount recovered and paid into the treasury, and, provided the thirty per cent. shall not amount to three thousand dollars and more, the fees shall be limited to three thousand dollars; and no fee shall, in any case, be allowed or paid out of the amount recovered and paid into the treasury, unless that portion belonging to the Commonwealth is remitted by the Governor.

§ 2. All acts or parts of acts in conflict or inconsistent herewith are hereby repealed.

Emergency
clause.

§ 3. Whereas the collection of various claims and demands due the Commonwealth may be hastened, an emergency is hereby declared and this act shall be in effect from and after its passage and approval by the Governor.

Became a law without the signature of the Governor March 29, 1902.

CHAPTER 109.

AN ACT to repeal an act entitled, "An Act to regulate the sale of leaf tobacco in this Commonwealth," approved April 5, 1892.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act to regulate the sale of leaf tobacco in this Commonwealth," approved April fifth, one thousand eight hundred and ninety-two, be, and the same is hereby repealed.

§ 2. That no penalty provided in said act shall hereafter be recoverable in any court of this Commonwealth.

Became a law without the signature of the Governor March 29, 1902.

Repealing an
act approved
April 5, 1892.

CHAPTER 110.

AN ACT to amend section 28, article 2, chapter 103 of an act relating to revenue and taxation, and entitled, "Revenue and Taxation, which became a law without the approval of the Governor November 11, 1892, and being section 4070 of the Kentucky Statutes, and relating to the compensation allowed assessors, and to re-enact said section as herein amended.

Amending sec.
4070 Ky. Stats.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section twenty-eight, article two, chapter one hundred and three of an act entitled, "An act relating to revenue and taxation," being section four thousand and seventy of the Kentucky Statutes, and relating to the compensation allowed assessors, which became a law without the approval of the Governor November eleven, one thousand eight hundred and ninety-two, be, and the same is hereby amended by striking out the words "one thousand"

from said section and inserting in lieu thereof the words "one thousand and five hundred."

Said section, as amended, is hereby re-enacted and shall read as follows:

Assessors.

"§ 4070. The assessor shall, after he has returned his tax-book, and the same has been corrected by the board of supervisors, present to the county court his account, verified by affidavit, stating the total assessed value of the property listed by him as shown by his tax-book thus corrected; and if said court, upon investigation, find said account to be correct, it shall certify to the Auditor the amount due to the assessor for the services required of him by law, which shall be based on the total value of the assessment made by him as above required, as follows: Four cents on the one hundred dollars of the first million, and one and one-quarter cents on each one hundred dollars of the excess over one million; but no assessor shall be entitled to receive more than four thousand dollars for his services during any year. In counties in which the assessed value of property exceeds thirty-eight million of dollars, the assessor shall be allowed as compensation to deputies appointed and qualified, the sum of one thousand and five hundred dollars for each seven and one-half million dollars of property which may be assessed in excess of thirty-eight million dollars. In counties where the assessment does not exceed one million dollars, the assessor shall be paid four and one-half cents on the one hundred dollars of the entire property listed."

Became a law without the signature of the Governor, March 29, 1902.

CHAPTER 111.

AN ACT to authorize magisterial districts or other portions of counties to refund old bonds heretofore lawfully issued by or on account of such districts or parts of counties and to that end to issue new bonds and to levy and collect tax to pay the same.

Authorizing
magisterial dis-
tricts, etc., to re-
fund old and issue
new bonds—levy
tax, etc.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. If, in any county in this Comonwealth, a magisterial district or districts, or other part or parts of such county, less than the whole thereof (other than incorporated towns and cities) shall, heretofore, pursuant to law, have executed and delivered bonds for railroad purposes or otherwise, and the same or any part thereof be outstanding, and, by lapse of time, by agreement with the holders thereof, or otherwise, shall have become matured or subject to be called in and paid, it shall be lawful for the fiscal court of said county and said court is hereby authorized and empowered to issue new bonds of and for account of such district or districts or other part or parts of said county, to an amount not exceeding the amount of such outstanding bonds and interest thereon to the date of the new issue, same to be in the form and to be issued in the manner hereinafter set forth.

Such new bonds shall be payable to bearer and be serially numbered, and shall be of such denominations, made payable at such place or places and at such time or times, not exceeding forty years and shall bear interest at such and not exceeding six per cent. per annum as may be prescribed by the said fiscal court, the interest to be payable semi-annually, or annually and be represented by coupons attached to the bonds. The bonds shall be signed by the county judge and county court clerk, with the seal of the county attached. The coupons shall be signed by the coun-

New bonds.

ty clerk alone, and his signature attached thereto, may be lithographed.

Fiscal court
may sell.

The fiscal court may sell, or by an agent or commissioner duly appointed cause to be sold, such new bonds at not less than par, and shall apply the proceeds of such sale to the payment of said old outstanding bonds, or may cause the new bonds to be exchanged at not less than their par value, for such old bonds, but said new bonds shall only be used for the purpose of liquidating the outstanding bonds and interest, then owing by said county, and the cost and expenses of such liquidation.

County clerk—
duties of.

The county court clerk shall keep a record in his office of all bonds issued under this act, showing the date, numbers and amounts of such bonds, the amounts and number of coupons attached to each bond; also the numbers, dates and amounts of bonds exchanged for other bonds as hereinbefore authorized, and if any of such new bonds shall be sold and used in payment of old bonds, said record shall show the date, numbers and amounts of bonds sold, and the bonds and coupons which shall have been taken up and canceled by exchange or payment, which record shall be open at all times to the inspection of the tax-payers of said county.

But before any fiscal court shall, under the authority of this act issue new bonds for the purpose of taking up old bonds, which were issued on account of any donation to or subscription to the capital stock of any railroad company such fiscal court shall cause notice of such contemplated action to be published in four consecutive weekly issues of the newspaper published in the county, having the greatest circulation in such county for at least thirty days before the adoption by said court of any order authorizing and directing the issue of such new bonds. If there is no newspaper published in such county, then the court shall cause printed posters setting forth such contemplated action, and the date when it is proposed to take the same,

to be posted at five places in each precinct within such part of the county as will be affected by said issue for thirty days next before such action is proposed to be taken by the court.

If on, or before, the date of such proposed action as indicated in the notice aforesaid, a petition signed by fifty voters of the part or parts of the county owing such outstanding bonds, requests that the question of whether said fiscal court shall take such proposed action, be submitted to the legal voters of said part or parts of said county, then the fiscal court shall not take such action at the time proposed, nor until a majority of the legal voters of said county, voting at an election on said question shall have voted in favor thereof.

Petition.

On the receipt of such petition the county judge shall file it, and thereupon shall cause an order to be entered upon the order book of the county court directing the sheriff to open a poll at each voting place within said part or parts of the county as may be owing such outstanding bonds, to take the sense of the legal voters on the question, at an election to be held at a time stated in said order, not earlier however than thirty days after the date of the entry of such order, which election shall be held at the time of the next election for public officers of State or county provided by law to be held within said county, and the election shall be conducted and the results ascertained in the same manner and by the same officers provided for the conducting of general elections and ascertaining the results thereof.

If a majority of the votes cast within said part or parts of the county, shall be in favor of such proposed action by the fiscal court, then said court shall, as soon as practicable thereafter, take action as proposed for the issue, and disposition of said bonds as hereinabove authorized.

If a majority of the votes cast on said question shall be against said proposed action by the fiscal court, then the same, shall not be taken.

§ 2. Taxation for Redemption of Bonds and Interest:

Taxation for
redemption of
bonds and interest.

For the purpose of raising the money to pay the interest on such bonds, and to finally redeem and pay them, the said court may annually levy an *ad valorem* tax on all the taxable property of the part or parts of said county owning said bonds, sufficient for the purpose of paying said interest on said bonds, and of creating a sinking fund for the ultimate redemption of such bonds when due, and said sinking fund shall be held and kept sacredly for that purpose and for no other; but said tax shall not exceed fifty cents on each one hundred dollars worth of said property.

Collection of
tax.

§ 3. Collection of Tax by Sheriff when State Revenue Collected: The tax provided for in the next preceding section shall be collected by the sheriff or collector of revenue, at the same time that the State revenue is collected, and for collecting the same he shall be allowed the same commission allowed by law for collecting the other county revenue; but before he shall proceed to collect same, he shall execute bond, with sufficient surety or sureties, in the county court, for a faithful performance of his duties, and that he will pay over the said tax in due time to the person or persons as the court may direct. Said bond to be approved by the county court.

Tax levied.

§ 4. How and when Tax Levied: The tax provided for may be levied at any time during the year, and the county judge shall, at any time, call the court of claims or fiscal court together for that purpose when necessary.

Became a law without the signature of the Governor, March 29, 1902.

CHAPTER 112.

AN ACT to provide for the improvement and development of the live stock, agricultural and kindred interests by the establishment and maintenance of a State Fair. Appropriating money for State Fair.

Whereas, The State of Kentucky has fallen behind her sister States in the development of her live stock and her agricultural products, and has lost the prestige and high standing her live stock once gave her, and,

Whereas, In former times breeders from all parts of the United States and even foreign countries, looked to Kentucky for pure bred stock to improve their herds and flocks; and,

Whereas, As our neighboring States, viz., Ohio, Indiana, Illinois and Missouri, are rapidly forging ahead of us as breeders of live stock by the annual appropriations of large sums to equip and maintain State fairs for the exhibition of the products of their respective States, and the payment of premiums of such exhibits, we deem it necessary to establish and maintain a State fair in Kentucky for the exhibition of live stock and the products of the farm, orchard, dairy, poultry, and such other interests as may be helpful to all the people of our State; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an annual State fair for the exhibition of agricultural, mechanical, horticultural, dairy, forestry, poultry, and live stock, be, and the same is hereby, created, to be known as the Kentucky State Fair. Kentucky State Fair.

§ 2. That in order to relieve the said State fair of any political appearance, the same is to be under the management and control of the board of directors of the Kentucky Live Stock Breeders' Association, a corporation organized and existing under the laws of the State of Kentucky Control of.

(having its principal office in the city of Louisville), and their successors in office, which board of directors are elected annually by the stockholders of the said association.

Annual appropriation.

§ 3. The sum of fifteen thousand dollars annually is hereby appropriated, which appropriations are to be used as premiums alone; the said fair to be held at such time and place as the board of directors of the Kentucky Live Stock Breeders' Association may determine, and the said Kentucky Live Stock Breeders' Association are to pay all other expenses incurred.

When paid.

§ 4. The sum of fifteen thousand dollars is to be paid annually on the first day of July, at which time the Auditor shall draw his warrant on the State Treasurer in favor of the treasurer of the Kentucky Live Stock Breeders' Association.

Bond.

§ 5. The treasurer of the said Kentucky Live Stock Breeders' Association shall execute bond with the State of Kentucky in the sum of fifteen thousand dollars for the faithful disbursement of such money according to the provisions of this act.

§ 6. The treasurer of the Kentucky Live Stock Breeders' Association shall, within sixty days after holding such annual State fair, render to the Auditor of the State of Kentucky an itemized statement showing the disbursement of such appropriation, which itemized statement shall be embodied in the State Auditor's annual report.

§ 7. Any part of the money unexpended shall be refunded by the treasurer of the said association to the State of Kentucky.

Profits.

§ 8. Any profits derived from the fair shall go into a sinking fund to be used for succeeding fairs of the association.

Became a law without the signature of the Governor, March 29, 1902.

CHAPTER 113.

AN ACT TO AMEND chapter 89 of the Kentucky Statutes, entitled
"Municipal Corporations."

Amending chap-
ter 89 Ky. Stats.

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky:*

§ 1. That section three thousand one hundred and seventy-four of the Kentucky Statutes be amended to read as follows: "The city assessor shall, in the year one thousand and two, and every four years thereafter, make an assessment of all real property within the corporate limits thereof, and the assessment of the real property for each of the three years subsequent to said quadrennial assessment shall be fixed at the same values as finally approved by the board of equalization in said quadrennial assessment, and shall annually make an assessment of all taxable personal property within the corporate limits thereof, and shall correct the valuation of any parcel of real estate on which any new structure of over one hundred dollars in value may have meanwhile been erected or on which any structure of like value shall have been destroyed and where transfers of real estate have been made he shall make the necessary changes in the names of owners.

Amending sec.
3174 Ky. Stats.

The general council shall annually, by ordinance, levy an *ad valorem* tax upon all real and personal property subject to taxation for State purposes not exceeding the rate and limit prescribed by the Constitution; and may levy a poll tax not exceeding one dollar and fifty cents on each male inhabitant thereof, and may impose fees on stock used for breeding purposes, on franchises, trades, occupations, and professions, and provide for the collection thereof."

§ 2. That section three thousand one hundred and eighty-one of the Kentucky Statutes be amended to read as follows: "There shall be a board of equalization, to consist of

*Amending sec.
3181 Ky. Stats.*

three citizens, who shall be selected by the mayor, with the consent of the general council. No person shall be selected as a member of said board who shall not at the time be a housekeeper and owner of real estate in the city, and shall not have been a resident thereof for five years next preceding his selection. Said board shall be paid such compensation as may, by ordinance, be fixed, and shall meet at a suitable place to be provided by the city.

On the first Monday in January, one thousand nine hundred and three, and every four years thereafter they shall meet to equalize the assessment upon all real and personal property within the corporate limits of the city. They shall first be duly sworn to faithfully discharge their duties, shall elect from among themselves a chairman and a clerk, and shall then notify the Auditor that they are ready to receive the assessment books, etc., which the Auditor shall deliver to them, taking his receipt therefor. "The assessor shall be in constant attendance on said board, and shall furnish them all the information that he can. They shall have the power to have all city records to be brought to them for their inspection by the custodian thereof. They may also interrogate any city official who shall, at their request, attend them and respond to all questions. They shall have the power to administer oaths, and they shall have the power to compel the attendance of witnesses, and all persons who shall refuse to attend them, or to be sworn by them, or refuse to answer any question, shall be subject to the same penalties as provided for like refusal to the assessor. They shall first compare his real estate book with the plat books in the Auditor's office, and see that every parcel of real estate in the city has been assessed, and if they find that any has been omitted, shall certify the same, giving the number of parcels omitted to the city solicitor, who shall enforce the penalty provided in section three thousand one hundred and seventy-seven, against

the assessor for so doing, and they shall assess the parcels omitted. They shall hear all complaints against the assessment made by the assessor, and shall determine the same. They shall increase or decrease assessments on like property, to make all assessments as uniform as may be, or to place a true value on the property assessed; but no increase shall be made without notice to the person whose property is to be increased, and they may, in the assessment of real estate, increase or decrease all assessments uniformly by adding or subtracting a per centage of the assessments, and a notice of such increase shall not be given except by publication in the official paper of the city.

Said board shall remain in session as long as the business may require; but not to exceed four weeks. Three members shall constitute a quorum, and a majority of a quorum may determine any question before it. No change in any assessment shall be made by erasure, but there shall be appropriate columns for all changes and additions, and the same shall be made in a different colored ink to that which the assessor used. When said board shall have completed its labors it shall prepare a statement of the gross assessment of real property and the gross assessment of personal property and the sum thereof, and also showing the increase or decrease, if any, in the total assessment made by them, and under their signatures, which they shall return to the Auditor with all the assessment books, plats, papers, etc., received from him, taking his receipt for the same, which they shall transmit to the board of councilmen.

And in each of the three years subsequent to such quadrennial equalization, said board shall convene on the first Monday in January for a period not longer than six days to equalize in the same manner as hereinbefore provided, the assessments of any parcels of real estate upon which any new structure of the value of more than one hundred dollars shall have meanwhile been erected or upon which any

structure of like value shall have been destroyed and to equalize the assessments of all personal property.

Became a law without the approval of the Governor March 29, 1902.

CHAPTER 114.

^{Amending chap.}
89 Ky. Stats. AN ACT TO AMEND section 31 of article 9 of an act entitled, "An Act for the government of towns of the sixth class," approved May 6, 1893.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section thirty-one of article nine, of an act, entitled "An act for the government of towns of the sixth class," approved May sixth, eighteen hundred and ninety-three, be and same is hereby amended by striking out of said section all that part of same after the word "town," at the end of the first sentence, and in the fourth line of said section, and by adding thereto as hereinafter set forth.

§ 2. Said section thirty-one of article nine, as amended and revised is hereby re-enacted and is as follows:

^{Sec 3706 Ky.}
Stats.

The board of trustees is hereby authorized and empowered to order any work they deem necessary to be done upon the sidewalks, curbing, sewers, streets, avenues, highways, and public places of such towns. The cost and expenses incurred in repairing streets, avenues, highways, sewers, and public places, shall be paid out of the general fund of the town. The expense incurred in making and repairing sidewalks and curbing shall be paid by the owners of the land fronting and abutting thereon if the board of trustees so order each lot or portion of lot being separately assessed for the full value thereof in proportion to the frontage thereof to the entire length of the whole improvement, not to exceed a square sufficient to cover the total expense of the work.

The cost and expenses incurred in constructing or reconstructing sidewalks, curbing, streets, avenues, highways, sewers, and public places shall be paid out of the general fund of the town or by the owners of the lands fronting and abutting thereon, as the board of trustees may, in each case, determine; but the local assessment shall not exceed fifty per centum of the value of the ground after such improvement is made excluding the value of the buildings and other improvements upon the property so improved.

Whenever the board of trustees shall determine upon the construction or reconstruction of streets, avenues, highways, sewers, and public places at the expense of the abutting property, they shall cause the same to be done as follows:

The ordering of such improvement shall be by ordinance of the board of trustees, and the contract therefor shall be awarded to the lowest and best bidder after proper advertisement for bids.

The said board of trustees shall require the accepted bidder to execute a bond to the town with good and sufficient security to be approved by said board of trustees for the faithful performance of his contract.

The original construction or reconstruction of any sidewalk, curbing, streets, sewers, avenues, highways, alleys, and public places may be made the exclusive cost of the owners of the lots and parts of lots or land fronting or abutting or bordering upon the proposed improvement be equally apportioned by the board of trustees according to the number of front feet owned by them respectively upon the petition of the majority of the property owners of lots or parts of lots, or land abutting or bordering upon the proposed improvement; or the board of trustees may cause same to be done without such petition upon the vote of four members elect of said board of trustees at a regular meeting thereof; or the board of trustees may by a ma-

jority vote at any regular meeting thereof, cause any such improvement to be made upon the ten-year bond plan.

Bonds.

When any work undertaken under the provision of this last section to-wit: Upon the ten-year bond plan, is completed in accordance with the contract, the work shall be received by the board of trustees and the said board of trustees shall order payment for the same made to the contractor by issuing an order upon the town treasurer to pay same in full out of the "street improvement fund."

Whenever any work done hereunder has been completed and accepted, the board of trustees shall issue the bonds of the town, in sums not to exceed the cost of said improvement, and all expenses in connection therewith, including the expenses of the issual and sale of said bonds, and shall sell the same to the highest bidder after due advertisement at a price not less than par and accrued interest.

How divided.

Said bond shall be divided into ten series, each series to be as nearly equal as possible, said series to be paid respectively in one, two, three, four, five, six, seven, eight, nine, and ten years after date. Said bonds shall be of the denomination of one hundred dollars or multiple thereof not exceeding five hundred dollars, and shall bear interest at a rate of not to exceed six per centum, and shall be payable at a Kentucky bank, to be designated by the board of trustees.

Street improvement fund.

All money arising from the sale of bonds provided for herein, shall be kept by the town treasurer, in a separate fund to be known as the "Street Improvement Fund," and the treasurer shall pay out of said fund all orders which the board of trustees shall direct paid for any street improvement provided for herein; and shall keep all money accruing or arising under the provision hereof in the same manner and subject to all the regulations regarding other money of the town, except that he will keep a separate account of the same, and credit all interest arising

therefrom to said "Street Improvement Fund;" and said town treasurer shall be responsible under his official bond as town treasurer, for the money accruing and received by him hereunder, and for the faithful performance of the duties herein required of him.

The cost of any improvement made hereunder shall be assessed equally by the feet front upon the property fronting or abutting or bordering upon said improvement. All property fronting or abutting or bordering upon the said improvement belonging to the town shall be considered and assessed as property belonging to individuals, and the assessment thereon together with the cost of intersections and crossings shall be paid by the town out of the general fund, and charged to the "Street Improvement Fund."

The assessment shall be made as soon as the improvement fund is fully completed, and the sum assessed against each piece of property, and also the owners thereof shall be placed upon the tax-list of the town, and shall be payable to the town treasurer, in ten equal annual installments, with interest at the rate, per annum, which said bonds bear upon the unpaid portion thereof.

The first installment, together with the interest on the whole amount at said rate per cent. per annum shall be payable at the first payment of taxes next succeeding the time the assessment is placed upon the tax-list and the other installments annually thereafter, and always at the time of payment of the other town taxes with interest at said rate on the installments not due at the time until all the installments are paid.

The assessments may be collected like other taxes, or the town may at any time after one installment remains delinquent for thirty days, by suit in equity enforce its lien for all the unpaid installments, with interest at said rate thereon to date of satisfaction of same and its costs expended.

The town treasurer shall not be entitled to receive any

compensation whatever for his services in collecting taxes provided for herein, nor for any other service performed hereunder unless the board of trustees see proper by ordinance to make him a specific allowance therefor, which shall be done by the vote of two-thirds of the members elect of the said board of trustees.

The assessments herein provided for under the provisions hereof, together with the interest accruing thereon shall be a lien upon the property fronting or abutting or bordering upon the street, or improvement, from the date of the passage of the ordinance ordering the improvement made, and shall remain a lien until fully paid off, including interest and cost, having precedence over all other liens, and said lien shall not be defeated or postponed by any judicial sale, or by any mistake in the description of the property or in the name or names of the owners thereof.

The owner or owners of lots or parts of lots, may at any time after assessment for a street improvement is made, pay off in full the whole up to and including the next ensuing date provided for the payment of the town taxes, and the lien herein established shall be satisfied by such payment. If any owner shall divide his property so that the number of feet fronting the improvement is separated into smaller lots or tracts, the lien may be discharged in like manner upon any one or more of the separate lots or tracts by the payment of the amount thereon, or the lien may be apportioned to the new owners by the town clerk, calculated by the rate of the feet front of such lot or lots or parcels to the front of the original tract.

All money received from the assessment herein provided for shall be apportioned, upon the order of the board of trustees or upon the town treasurer, to the payment of the interest and to the redemption of the bonds which may be issued for the improvements herein provided for.

If it shall be necessary to raise an amount of money for said "Street Improvement Fund," which would create an in-

debtedness greater than the amount which could be met by the levy authorized by law, said board of trustees shall cause the question of such issue and sale of bonds to be submitted to the qualified voters of said town at an election to be held for said purpose as provided for in section twenty-nine of article nine of the act hereby amended. If upon the canvass of the vote cast at said election, it shall appear that two-thirds of those voting upon said question at said election have voted in favor of the issue and sale of said bonds, it shall be the duty of said board of trustees to pass an ordinance providing therefor.

§ 3. This act shall take effect and be in full force and effect from and after its passage.

Became a law without the signature of the Governor, March 29, 1902.

CHAPTER 115.

AN ACT to provide for the appointment of trustees for graded common schools in districts in which vacancies exist.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in any graded common school district heretofore or hereafter established in which the first board of trustees has not been or shall not be elected, as prescribed by section four thousand four hundred and sixty-nine of the Kentucky Statutes, the county judge of the county in which such district is located shall have the power to fill such vacancies in the manner prescribed by section one thousand five hundred and twenty-two of the Kentucky Statutes, and at the next election of trustees, as prescribed by said section one thousand five hundred and twenty-two, six trustees shall be elected and shall be divided into classes and their terms of office held as prescribed by section

Graded schools—
trustees of.

four thousand four hundred and seventy-one of the Kentucky Statutes.

§ 2. Whereas, there are graded common school districts in this State in which trustees were not elected, as prescribed by section four thousand four hundred and sixty-nine of the Kentucky Statutes, and in which schools can not therefore be conducted, it is declared that an emergency exists, and that this act shall go into effect from and after its passage.

Became a law March 29, 1902, without the approval of the Governor.

CHAPTER 116.

Repealing and
re-enacting sec.
659 Ky. Stats.

AN ACT to repeal and re-enact section 122 of an act entitled, "An Act providing for the creation and regulation of private corporations," which became a law on April 5, 1893, as amended by an act, entitled "An Act to amend an act, entitled 'An Act providing for the creation and regulation of private corporations,'" approved July 1, 1893.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one hundred and twenty-two of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law on April fifth, eighteen hundred and ninety three, as amended by an act entitled, "An act to amend an act, entitled 'An act to provide for the creation and regulation of private corporations, approved July first, eighteen hundred and ninety-three,'" and being section six hundred and fifty-nine of the Kentucky Statutes, be, and the same is hereby repealed, and the following inserted in lieu thereof, so that the said section will read as follows:

§ 2. All policies hitherto issued by any domestic life

insurance company shall be subject to the provisions of law applicable and in force at the date of such issue.

Sub-division Two: No policy of life or endowment insurance upon the ordinary plan hereafter issued by any domestic life insurance company, shall become forfeit or void, for non-payment of premiums, after three full years' premiums, in cash, have been paid thereon; but, in case of default in the payment of any premium thereafter, then, without any further stipulation or act, except, as herein provided, such policy shall be binding upon the company for the amount of paid-up insurance, which, according to the company's published tables of single premiums, the net value of the policy on such anniversary, and all dividends additions thereon, computed by the rule of section one hundred and sixteen of the act, to which this is amendatory, and which section is section six hundred and fifty-three, Kentucky Statutes, will purchase as a net single premium for life or endowment insurance maturing and terminating at the time and in the manner provided in the original policy; and such default shall not change or affect the condition or terms of the policy, except as regards the payment of premium and the amount payable thereon: *Provided*, however, that any company may contract with its policyholders to furnish, in lieu of the paid-up insurance provided for in this section, any other form of life insurance lawful in this Commonwealth, of not less value.

The reserve for such paid-up insurance shall not be less than two-thirds of the reserve of the original policy; but, any outstanding indebtedness on account of said policy shall operate to reduce the said paid-up insurance in proportion to its ratio to the reserve of such paid-up insurance, computed by the rule of section one hundred and sixteen of the act, to which this is amendatory, and which section is section six hundred and fifty-three, Kentucky Statutes.

Life or endowment insurance—not to be void, etc.

Reserve.

Surrender value. Every such policy after the payment of three full years' premiums thereon, in cash, shall have a surrender value, which shall not be less than seventy per cent. of the reserve that would be required for the aforesaid paid-up insurance, after deducting for any indebtedness as above provided, computed by the rule of section one hundred and sixteen of the act, to which this is amendatory, and which section is section six hundred and fifty-three, Kentucky Statutes.

Same—industrial plan. Subdivision Three: No policy of life or endowment insurance upon the industrial plan hereafter issued by any domestic life insurance company, shall become forfeit or void, by non-payment of premiums, after five full years' premiums, in cash, have been paid thereon, but in case of default on above mentioned or subsequent anniversary in the payment of any premium thereafter, then, without any further stipulation or act, except as herein provided, such policy shall be binding upon the company for the amount of paid-up insurance, which, according to the company's published table of single premiums, the net value of the policy on such anniversary, and all dividend additions thereon, computed by the rule of section one hundred and sixteen of the act, to which this amendatory, and which section is section six hundred and fifty-three, Kentucky Statutes, will purchase as a net single premium for life or endowment insurance, maturing or terminating at the time and in the manner provided in the original policy; and such default shall not change or affect the conditions or terms of the policy, except as regards the payment of premiums and the amount payable thereon; *Provided*, That any company may contract with its policyholders to furnish in lieu of the paid-up insurance provided for in this section, any other form of life insurance lawful in this Commonwealth, of not less value. And, *Provided*, further, that on industrial policies defaulting and surrendered to the company on their fifth or any succeeding anniversary, application for said paid-up policy shall be made in writing within eight weeks after

said default, on blanks obtainable from the company, for that purpose.

The reserve for such paid-up insurance shall not be less than two-thirds of the reserve of the original policy; but, any outstanding indebtedness on account of said policy shall operate to reduce said paid-up insurance in proportions to its ratio to the reserve for such paid-up insurance, computed by the rule of section one hundred and sixteen of the act, of which this is amendatory, and which section is section six hundred and fifty-three, Kentucky Statutes.

Reserve.

Every such policy, subject to conditions as to paid-up surrender values, after the payment of five full years premiums thereon, shall have a surrender value, which shall not be less than seventy per cent. of the reserve that would be required for the aforesaid paid-up insurance, after deducting for all indebtedness as above provided, computed by the rule of section one hundred and sixteen of the act, of which this is amendatory, and which section is section six hundred and fifty-three, Kentucky Statutes.

Surrender value.

On policies of industrial insurance, where the weekly premiums are less than fifty cents each, it shall be optional with the company issuing said policy, to pay either the cash surrender value, or issue a paid-up policy of insurance, and upon such payments, the company shall be absolutely released from all further claims or demands whatsoever under or by reason of said policies, which shall then be canceled.

The provisions of this section shall not apply to policies issued on the lives of persons under ten years of age, until five years after attaining that age.

Sub-division Four. In construing the provisions of this act, ordinary insurance, or insurance upon the ordinary plan, shall be considered to be insurance which may be paid for by annual premiums, or by semi-annual, or quarterly, or other installments thereon at the option of the company,

Construction of provisions.

and industrial insurance shall be considered as insurance purchasable solely by weekly premiums.

Any condition or stipulation in the policy of insurance, or elsewhere, contrary to the provisions of this section, and any waiver of such provisions by the assured, shall be void.

Became a law March 28, 1902, without approval of the Governor.

CHAPTER 117.

Amending sec.
733 Ky. Stats.

AN ACT to amend an act entitled, "An Act to provide for the creation and regulation of real estate title insurance companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section nine of chapter ninety-nine of the Session Acts of eighteen hundred and ninety-four, be amended and re-enacted as follows: By striking out the word "twenty" in the first line of said section and inserting in lieu thereof the words, "thirty-three and one-third" so that said section as amended will read as follows:

"§ 9. The capital stock, not exceeding thirty-three and one-third per centum of the minimum amount thereof, of any such corporation organized under this law, now doing business in this State, may be invested in the acquisition of such books, maps, abstracts or copies of deeds and other instruments as shall be necessary or convenient for the transaction of its business; and such portion of its accumulations as shall be necessary or convenient, may be used in the maintenance, enlargement and improvement of such plant. The remainder of such stock and accumulations shall be invested, except as hereinafter provided, in bonds and mortgages, lien notes or deeds of trust, on unincumbered real estate within the State of Kentucky, worth at least fifty per centum more than the sum loaned

thereon; but in estimating the value of such real estate, the value of the buildings thereon shall be excluded, unless such buildings be insured against fire, and the policy transferred to the corporation, and such insurance shall be continued in force as long as the loan continues; also in bonds of this State or of any other State of the United States, or of the United States, or of any county or incorporated city or town of this State, authorized by law to be issued; also in the stocks of incorporated banks and trust companies of this State, and of national banks of this State, or of adjacent States; also in the first mortgage bonds of railroads of this and other States, bonds or stocks of any bridge, water, street railroad, gas or electric corporations of this State, which have for two years previous to the time of making the investment, paid interest or dividends of not less than four per centum per annum, and shall have a market value not less than twenty per centum below par. Said capital and surplus may be loaned on the security of any such bonds, stocks or lien-notes, bonds and mortgages, and the investments and loans herein authorized may be changed, and the proceeds reinvested as occasion may, from time to time, require, and the evidences of such loans sold and the payment thereof indorsed or guaranteed. No such corporation shall own more than one-sixth of the capital of any bank or corporation, nor invest in nor loan on the stocks and bonds, both included, of any one railroad, more than one-tenth of its capital and accumulated funds, nor in the aggregate shall the investment in and loan on all railroad property exceed one-fifth of its capital and accumulated funds; and no such corporation chartered by this State, and lawfully doing the business herein authorized, shall be compelled to change any investment heretofore legally made."

Became a law without the signature of the Governor March 29, 1902.

CHAPTER 118.

Authorizing cer-AN ACT authorizing taxing districts, incorporated towns, now acting under special acts of the Legislature, and unclassified municipal corporations to issue refunding bonds, and to levy a special tax to pay the same.

WHEREAS, There are many taxing districts, incorporated towns and unclassified municipal corporations in this Commonwealth that have issued bonds for the construction and improvement of streets within their corporate limits, and for other purposes of the said corporations, which said bonds have matured, or are about to mature; and

WHEREAS, Many of the said taxing districts, incorporated towns and unclassified municipal corporations are, and will be, unable to meet and discharge their obligations at the maturity thereof; and

WHEREAS, It is necessary that some means and ways be provided to enable them to meet and discharge their said obligations, now, therefore,

'Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Governing au-
thorities.

May issue
bonds—when.

§ 1. That for the purpose of paying and redeeming outstanding street improvement bonds and other bonds issued and sold by the taxing districts, incorporated towns and unclassified municipal corporations, the board of trustees and the other governing authorities of the said taxing districts, incorporated towns and unclassified municipal corporations, are hereby authorized and empowered to issue and dispose of the bonds of said taxing districts, incorporated towns and unclassified municipal corporations, in such amount and amounts as may be deemed necessary and required by the board of trustees and other governing authorities of the said taxing districts, incorporated towns and unclassified municipal corporations to meet and redeem the outstanding bonds of the said taxing districts, incorporat-

ed towns and unclassified municipal corporations due and payable, or to become due and payable; the said bonds so issued to be made due and payable in any number of years, not exceeding twenty years from the date thereof, and to bear interest at a rate not exceeding six per centum per annum, payable semi-annually. The number of years the said bonds are to run, and the rate of interest they shall bear, to be determined by the board of trustees and other governing authorities of the said taxing districts, incorporated towns, and unclassified municipal corporations before the said bonds are issued.

§ 2. The said bonds shall be denominated as "refunding bonds" of the taxing district, incorporated towns and unclassified municipal corporations issuing said bonds, and may be, when issued, exchanged by the said board of trustees and other governing authorities, as aforesaid, for like amount of street improvement or other bonds of the same taxing district, incorporated town and unclassified municipal corporations, but at not less than the face value of the bonds so issued under this act; or the said bonds may be sold by the said boards of trustees and other governing authorities of the said taxing districts, incorporated towns and unclassified municipal corporations, but no sale shall be made at less than the face value of the bond or bonds so sold, and when sold the proceeds thereof shall be applied to the payment and redemption of the outstanding bonds of said taxing district, incorporated town and unclassified municipal corporation, for payment, or redemption of which the bonds are issued under the provisions of this act; the said bonds shall be in denomination of one hundred or five hundred dollars, or both, as said board of trustees and governing authorities, as aforesaid, may determine, and shall be signed in the corporate name of the said taxing district, incorporated town, and unclassified municipal corporation issuing the same by the president of the board of trustees of said taxing district, incorpor-
Refunding bonds.
May be sold—when.

ated town and unclassified municipal corporation so issuing said bonds; or, where there are no board of trustees, by the presiding officer of the governing authorities of said taxing district, incorporated town and unclassified municipal corporation, and shall have interest coupons attached to said bonds, there being two coupons for each year the bond has to run, and which said coupons shall be signed by the clerk of the board of trustees or governing authority of said taxing district, incorporated town and unclassified municipal corporation; or, where there is no such clerk, by such officer as may be designated by the board of trustees and other governing authority of the said taxing district, incorporated town and unclassified municipal corporation.

^{Annual tax.} § 3. The said board of trustees and governing authority of the said taxing district, incorporated town and unclassified municipal corporation shall, annually, at the time the general levy is made for the corporate purposes of said taxing district, incorporated town, and unclassified municipal corporation, levy a special tax upon all the taxable property in said district, incorporated town and unclassified municipal corporation, sufficient in amount to pay the principal and interest of the said bond or bonds within the time the said bond or bonds has to run, the amount levied and collected each year to be in proportion to the number of years the bond or bonds is, or are, issued for, so that the whole amount of said bond or bonds shall be paid at the maturity of the said bond or bonds, and the yearly or semi-annual interest thereon paid each year, that is to say, if the bond or bonds are made due or payable in ten years from date, the said levy shall be for an amount to equal one-tenth of the whole amount of the bond or bonds and for an amount equal to one year's interest on the principal of the whole amount of the bond or bonds issued, and in the same manner and proportion whether the bond or bonds be due and payable within more or less

than ten years from the date thereof; and the said tax so levied shall be a lien upon all the taxable property in the said, taxing district, incorporated town and unclassified municipal corporation, and shall be collected at the same time, and in the same manner, as the general taxes of the said taxing districts, incorporated towns and unclassified municipal corporations issuing said bond or bonds are collected, and the clerk, or other officer authorized or required so to do, of the said taxing districts, incorporated towns and unclassified municipal corporations shall annually, when he makes out the general tax bills against persons and property in the said districts, incorporated towns and unclassified municipal corporations also make out the tax bills for the special tax herein provided for against the property and the owners thereof, subject to the payment of the tax herein provided for, and attach the same to the general tax bills aforesaid, and the same penalties and interest as applied to the general tax bills of the taxing district, incorporated town, and unclassified municipal corporations for non-payment thereof, shall apply to said special tax bills. Upon failure of payment of said special tax, when the same becomes due and payable each year, the said board of trustees and governing authority, as aforesaid, may, in the corporate name of the said taxing district, incorporated town and unclassified municipal corporation, enforce the payment thereof, and the lien herein provided for upon the said property by appropriate proceedings in any court of competent jurisdiction to enforce liens upon real estate, and said court, in addition to enforcing the liens, by sale of the property subject thereto to satisfy said tax, also render a personal judgment in favor of said taxing district, incorporated town, and unclassified municipal corporation against the person or persons or corporation or corporations in whose name said special tax bill is made out for the amount thereof and the interest and penalties thereon.

<sup>Redemption ac-
count for refund-
ing bonds.</sup> § 4. The said board of trustees and governing authorities of said taxing districts, incorporated towns and unclassified municipal corporations issuing and disposing of bonds under the provisions of this act, shall establish and keep a sinking fund to be designated as "redemption account for refunding bonds," and the money and amount of special tax collected each year for the payment of the said bonds at maturity, shall be placed to the credit of said redemption account for refunding bonds, and used for no other purpose than the payment and redemption of said bonds. And they shall also establish and keep an account designated as "interest account for refunding bonds," and the money and amount of special tax collected each year for the payment of interest on bonds as aforesaid shall be placed to the credit of said interest account, and the amount so collected and placed to the credit of said account shall be used for the payment of the interest on said bonds and for no other purpose.

§ 5. Wherever the words "incorporated towns" are used in this act, they shall mean "incorporated towns now acting under special acts of the Legislature."

<sup>Emergency
clause.</sup>

§ 6. As many of said taxing districts, incorporated towns and unclassified municipal corporations in this Commonwealth have issued bonds for construction and improvement of streets, and for other purposes, which have matured, or are about to mature, and the holders of the said matured bonds are pressing for the payment thereof, and the said taxing districts, incorporated towns and unclassified municipal corporations that have issued the said bonds are without the means and have no available funds with which to meet and discharge their said obligations, except by the issuing and disposal of the refunding bonds herein provided for, an emergency is hereby declared to exist for the immediate passage of this act, and that the same should take effect from and after its passage, and this act shall,

therefore, take effect and be in force from and after its passage and approval thereof.

Became a law without the signature of the Governor March 29, 1902.

CHAPTER 119.

AN ACT to regulate the importation into this State of dependent children from other States.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person, corporation, association or institution shall bring or send, or cause to be brought or sent, into the State of Kentucky, from any other State any dependent child, for the purpose of placing such child in any family home within the boundaries of the State of Kentucky, either with or without indenture or for adoption, or shall procure same to be done, unless the said person, corporation, association or institution shall have furnished the county judge of the county in which any such child is to be placed or left, with a bond acceptable to the said county judge, in the penal sum of ten thousand dollars, conditioned as follows:

Regulating the
importation of
dependent chil-
dren from other
States.

That they will not send or bring, or cause to be brought or sent into this State or any county thereof, any child that is incorrigible, or one that is of unsound mind or body, or having any contagious or incurable disease; that they will at once, upon the placement of such child, report to the State Superintendent of the Kentucky Children's Home Society its name and age, and the name and residence of the person with whom it is placed; that if any such child shall, before it reaches the age of twenty-one years, become a public charge, they will, within thirty days after written notice shall have been given them of such fact by the Superintendent of the Kentucky Children's Home Society,

remove such child from the State; and if any such dependent child shall be convicted of crime or misdemeanor, and shall be imprisoned within five years from the time of its arrival in the State, such person, corporation, association or institution shall remove such child from the State immediately upon its being released from said imprisonment, and upon failure upon thirty days' notice or demand to remove, as aforesaid, any such child who shall have either become a public charge as aforesaid, or who shall have been convicted as aforementioned, in either event such person, corporation, association, or institution shall at once forfeit the sum of one thousand dollars as a penalty therefor, to be recovered upon said bond by a suit in the name of the county in which said bond shall have been filed; that they will place, or cause to be placed, each of such dependent children under written contract, which will serve any such child a proper home, and will make the person so receiving such child responsible for its proper care, education, and training; that they will properly supervise the care and training of such child, and that each of such children shall be visited at least once a year by a responsible agent of the person, corporation, association or institution so placing, or causing to be placed, such child as herein provided; that they will make to the Superintendent of the Kentucky Children's Home Society such reports of their work as he may from time to time require."

§ 2. The State Board of the Kentucky Children's Home Society shall have general supervision and management of all matters contained in this act, and make such other further rules and regulations, not inconsistent herewith, as it may deem necessary for the proper placing out, indenture, adoption, removal and supervision of such children, and for the rejection of incorrigible or unsound children, and for the removal of children convicted of crime or misdemeanors, or who may become public charges.

§3. Any person, corporation, association or institution, or any officer or agent thereof, who shall receive, to be placed in a home, or shall place in a home, any child in violation of any of the provisions of this act, shall be imprisoned in the county jail not less than ten nor more than sixty days, or fined not less than twenty-five dollars or more than two hundred dollars, or both, in the discretion of the court.

Penalty.

§ 4. The provisions of this act shall not apply to a relative going to any other State and bringing a child into this State for the purpose of giving it a home in his own family.

Became a law March 29, 1902, without approval of the Governor.

CHAPTER 120.

AN ACT appropriating money for the benefit of certain charitable institutions of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of the general revenue of the State, for the benefit of the Eastern Kentucky Asylum for the Insane, at Lexington, to be expended by the board of commissioners thereof, as hereinafter set forth, the following named sums for the specific purposes, constructions, improvements and equipments of the same herein named and set forth as follows, to-wit:

For new steam boilers, dynamos, and engine for general work, six thousand dollars.

For extinguishment of existing deficit and indebtedness, twenty-one thousand one hundred and thirty-nine dollars and eighty-one cents.

Replacement, construction and repair of plumbing system, fifteen thousand dollars;

Appropriating
money for Eastern
Kentucky Asylum
for the Insane.

Installation and erection of ice plant; seven thousand five hundred dollars.

§ 2. The money hereby appropriated shall be drawn on drafts of the board of commissioners of said institution, and upon such draft or drafts, not exceeding in the aggregate the sum aforesaid, being made to and upon him, the Auditor of Public Accounts shall draw his warrant or warrants upon the Treasurer of this State in favor of the treasurer of said asylum for any sum or sums of money not exceeding the amount hereby appropriated to said institution, but no part of such money shall be drawn from the treasurer of said institution except in payments for the work, and improvements mentioned in section one of this act.

Bids.

§ 3. The president of the board of commissioners shall advertise for bids for furnishing all labor and materials of every kind and description necessary for the construction, erection and completion of the buildings, the making of the improvements and repairs mentioned in section one, except such labor and materials, if any, as may be furnished by the employes or patients of said institution; and all such bids shall be opened in the presence of the board of commissioners, and it shall be the duty of the latter to accept such bid or bids as it may deem the lowest and best; and if, in its judgment, all or any of such bids shall be unsatisfactory, said board of commissioners may reject any and all such bids, and re-advertise for others in the same manner, and so on until it shall be satisfied to accept bids and tenders; and when contracts for the erection of said buildings, the furnishing of labor and materials and the doing of the work and making the said repairs and improvements shall have been in accord with said bids made and entered into, the board of commissioners shall retain from the contract price thereof amount sufficient to secure the faithful and complete performance of any and all such contracts, and shall not pay the money so retained, nor any

part thereof, until such contract shall have been fully and faithfully performed and the work accepted and approved by the board of commissioners.

§ 4. The board of commissioners of said institution shall not pay, or cause to be paid, any part of the money appropriated by this act to any contractor or other person or persons, employed in the construction, erecting or furnishing material for the erection, work and repairs authorized by this act, until such contractor or contractors, or other persons aforesaid, shall deliver to such board, or its president thereof, an itemized statement and account of all material so furnished or labor performed, for which payment may be requested or demanded, which said itemized statement or account shall be approved and endorsed by the architect or superintendent employed by said board of commissioners, and verified by the oath of such contractor, or other person or persons, presenting such accounts for payment; and if such account is found to be just and correct, and is approved by the board, the secretary of the board of commissioners shall note the said facts in the form of a certificate on or appended to such itemized account, and the same shall then be paid as other accounts or bills or claims against said institution are paid by order of the board of commissioners thereof, but the money hereby appropriated shall be kept separate and apart from the other funds of the institution, and all accounts and expenditures thereof shall be kept and stated and accounted for in separate and distinct statements and accounts of disbursements.

§ 5. The board of commissioners shall, within three months after the completion of the buildings and improvements provided for in the first section hereof, make an itemized statement showing each and every item of expenditure made by said board, under the provisions of this act, verified by the oath of the president of the board, which statement shall be filed with the Auditor of Public Ac-

Itemized state-
ment of material
furnished.

Statement to
Auditor.

counts, accounting for all moneys appropriated by this act to said institution, and upon such settlement and statement said board of commissioners shall pay back into the treasury any unexpended balance herein made, to said institution, which may remain in the hands of the treasurer of said institution..

§ 6. There is hereby appropriated, out of the general revenue of the State, for the benefit of the Central Asylum for the Insane at Lakeland, Kentucky, the following sums for the specific purposes designated: To re-imburse the institution, for the payment of a judgment and interest against the institution, sixteen thousand dollars. To improve the water supply, to secure additional asylum grounds, to improve the electric plant and to install a new bake oven, twenty-five thousand dollars.

§ 7. There is hereby appropriated out of the general revenue of the State, for the benefit of the Kentucky Institution for the Education of Deaf Mutes, located at Danville, Kentucky, the sum of sixty thousand dollars, to be used for the purpose of building and erecting a steam plant and two dormitories for pupils.

§ 8. The funds appropriated for the benefit of the Central Asylum for the Insane and for the Kentucky Institution for the Education of Deaf Mutes shall be paid to and used by said institutions in the same manner as provided herein with reference to the appropriation made herein for the Eastern Asylum for the Insane.

§ 9. The annual appropriation as now provided by law for the benefit of the Kentucky Institution for the Education of Deaf Mutes, located at Danville, Kentucky, is hereby increased to fifteen thousand dollars to be paid and used as now provided by law with reference to said appropriation.

Emergency
clause.

§ 10. Because of the urgent need of the buildings and improvements herein contemplated, an emergency is de-

clared to exist, and this act shall take effect from and after its approval by the Governor.

Became a law March 29, 1902, without signature of Governor.

CHAPTER 121.

AN ACT concerning the payment by the State of its proportion of the cost of certain public improvements in cities of the third class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That where any public way, or other public improvement in any city of the third class in this Commonwealth, is or has heretofore been ordered or directed by ordinance of the common council of such city to be constructed, which, according to the provisions of the act for the government of that class of cities, may be lawfully constructed at the cost of the owners of the lots of ground adjacent to such improvement, or within the taxable limits thereof, defined as provided in such act, and any such real estate within such taxable limits is owned by the State of Kentucky, or is held in trust for the public use of the State, the proportionate part of the cost of making such public way or other public improvement shall be apportioned against the real estate of the State in like manner as against other lots of ground, within such taxable limits, and the apportionment warrant or statement thereof shall be certified by the city clerk of such city to the Auditor of Public Accounts, who shall thereupon draw his warrant on the State Treasurer for the amount of such apportionment warrant or certified statement in favor of the person entitled to the amount thereof, and the State Treasurer shall pay said warrant drawn by the Auditor out of any money in the treasury not otherwise appropriated.

Became a law without the signature of the Governor March 29, 1902.

CHAPTER 122.

Civil actions in AN ACT to regulate proceedings in civil actions in circuit courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Rule day.

§ 1. That the first Monday in each month shall be rule day in the office of the clerk of each circuit court in this Commonwealth, except when said court is actually in session.

§ 2. That all summonses issued in actions, both at law and in equity, brought in said courts, shall command the officer to whom it is directed to summons the party or parties against whom it is issued to answer in ten days after the service of the summons, if directed to the county where issued, and in twenty days after the service of the summons, if directed to any other county.

§ 3. At the first rule day after the summons has been served ten days in the county or twenty days in any other county, the defendant so served shall file his answer or other plea he may have, whether of law or of fact.

On the next rule day the opposite party shall file his reply and any other plea he may have whether of law or fact; and so on at each succeeding rule day until the issue shall be fully made up. If any party shall fail to file any plea at the rule day at which the same is due, he may file the same at a subsequent rule day, and as soon as practicable and he shall file therewith his affidavit or other sworn statement as to the cause of his delay, and if the court shall consider his excuse insufficient, it may, at the next regular term strike such plea from the files.

If any demurrer, motion to elect or like pleading is filed the court shall dispose of same as soon as possible and before the case is called for trial or submitted and the court in such cases shall direct when subsequent pleadings should be filed.

§ 4. Actions at law shall stand for trial at the first term of court after summons has been served in the county ten days, and elsewhere in the State twenty days before the commencement of said term.

Actions at law.

§ 5. Suits in equity shall stand for trial at the first term of court after the issue shall be completed or, by the provisions of this act, shall have been completed, thirty days before the commencement of the term.

Suits in equity.

§ 6. All warning orders both at law and in equity, shall warn the party against whom the same is issued to answer in thirty days after the entry of the warning order, and the answer and other plea shall be due at the first rule day after the expiration of said thirty days. As to parties constructively summoned and not answering as herein provided, the action whether at law or equity, shall stand for trial at the first term of court, which commences not less than sixty days after the said warning order is entered.

Warning orders.

§ 7. Any interlocutory order necessary for the preparation of the action for trial, whether at law or in equity, may be entered by any party at any rule day; but no order shall be entered which deprives a person of the possession of property.

Interlocutory order.

§ 8. The clerk shall enter upon the minute book of the court all orders, filing pleas and otherwise, except warning orders and shall sign same. He shall, as soon thereafter as practicable, enter said orders in full upon the order book of the court, and shall sign same; and all such orders shall constitute a part of the record in the case, for all purposes, as fully as if made in open court. The court shall at the first ensuing term, have power to set aside any such order.

Clerk-duty of.

§ 9. The clerk shall docket all actions at law for the first day of the term at which, under the provisions of this act, they stand for trial. On said day the court shall call said docket and enter default judgments where no defense

Actions at law docketed for first day.

is made. In all such actions where defense is made, the parties shall be deemed to have waived a trial by jury, unless a jury is demanded upon said call, and the court shall then proceed to set such actions down for trial at some convenient day in the term. Unless otherwise directed by the parties, the clerk shall issue subpoenas for witnesses to the first day of the term, and they shall attend at such days as the case in which they are subpoenaed shall be set for trial, and until the same is disposed of by trial or continuance: *Provided, however,* The court may by rule entered upon its order book, direct the clerk to set actions at law for convenient days during the term instead of on the first day of the term, as provided above; and to issue subpoenas to said days, instead of to the first day, as provided above.

Suits in equity docketed for third day.

§ 10. The clerk shall docket all suits in equity for the first term of court which does not commence less than ten days after the same is filed. On the third day of the term the court shall call the equity appearance docket and enter default judgments where no defense is made: *Provided,* All parties to the action affected thereby have been summoned; those in the county, ten days before the commencement of the term; those out of the county twenty days before the commencement of the term; and those constructively summoned, thirty days before the commencement of the term.

§ 11. When the issue has not been completed before the commencement of the term, the answer or next pleading due shall be filed on the first day of the term, in law actions, and on the third day of the term, in equity actions. In law actions, subsequent pleadings shall be filed on or before the day on which the action is set for trial. In equity actions each pleading, subsequent to the answer, shall be filed not less than three days after the filing of the pleading to which it is responsive. The court may, in its

discretion, allow a pleading to be filed after it is due under the provisions of this act.

§ 12. This act shall not apply to circuit courts having continuous sessions.

§ 13. All provisions of the Code of Practice in conflict with this act are hereby repealed in so far as in conflict. Repealing clause.

§ 14. This act shall take effect and be in force from its passage.

Became a law March 29, 1902, without the approval of the Governor.

CHAPTER 123.

AN ACT to provide for needed improvements in the Branch Penitentiary.

WHEREAS, Owing to the danger to life and State property at the branch penitentiary by reason of insufficient fire protection, and so that immediate action can be taken in the premises; therefore

Branch penitentiary—appropriation for.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioners of the Kentucky penitentiaries be, and hereby are, authorized and directed to purchase and install the Grinnell Automatic Fire Sprinkling System in the buildings of the branch penitentiary.

§ 2. That the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the State treasury for the purpose set forth in the preceding section of this act.

§ 3. Because of the great danger to life and property at the branch penitentiary by reason of insufficient fire protection, and the inability of the commissioners to secure fire insurance, an emergency is declared to exist, and this act shall take effect immediately upon its passage.

Became a law without the signature of the Governor, March 29, 1902.

Amending sec.
3812 Ky. Stats.

AN ACT to amend an act, entitled "An Act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section eighteen of chapter four of the acts of the General Assembly of one thousand eight hundred and ninety-eight be amended so that when amended it will read as follows:

Prison commissioners—duties of

"Before entering upon the discharge of their duties under the law, the Commissioners shall take an oath to faithfully and impartially discharge the same to the extent of their ability. When any duty is required of them in this law, it shall be competent for a majority of them to act, if all can not be present to participate, except as to the appointment of the officials and in the advertisement for acceptance of bids, and making contracts and taking bond from the contractors for the labor of the convicts. As to these matters, all of said commissioners must participate, unless prevented by unavoidable casualty. It shall be their duty to formulate and prescribe for the use of the penitentiaries all needful regulations and by-laws for the government and discipline of the penitentiary, the rules for the government and conduct of the warden, deputy warden and all the officials connected with the penitentiary, also for the government of the prisoners in their deportment and conduct. They shall prescribe the character of food and diet of the prisoners. They shall also prescribe all needful rules for the preservation of the health of the convicts, for the daily cleansing of the penitentiary, for the cleanliness of the persons of the convicts, and for the general sanitary government of the penitentiary and the prisoners in all particulars, the character of the labor, the

character and quantity of food and clothing, and the length of time during which the convicts shall be daily employed. It shall be the duty of at least one of their number to visit each of the penitentiaries each day, and at least once a month in a body, for the purpose of examining the condition of the penitentiaries, the management and condition of the convicts, and whether or not the rules are being obeyed and enforced. They shall hold stated monthly meetings on the first Tuesday in each month, and such call meetings as the chairman and any two of its members may demand, and shall keep in a book kept for that purpose a full record of their proceedings. They shall cause the rules and regulations prescribed by them, together with the law allowing commutation of time to prisoners for good conduct, to be printed and posted in conspicuous places within the cell-houses and in the workshops. It shall also be their duty to keep in repair the penitentiaries, and if at any time the same should be seriously out of repair as to render delay imminently dangerous, may make such expenditures as are necessary to fully protect the State's property. They shall have power to enter into a contract with any railroad company for the construction of railroad switches, side-tracks or spurs into the yards of the penitentiaries of the State, and have power to sell and convey to any railroad company rights of ways now owned by the State, and to grant rights of ways across and through all penitentiary property of the State. They shall cause the convicts to be classified, so that the old and hardened criminals shall not be thrown with the youthful criminals, so far as the same can be done without in any way interfering with the free use of all the convicts that may be hired to any contractor or contractors.

§ 2. That all acts or parts of acts in conflict with this act be, and the same are hereby, repealed to the extent of such conflict.

Became a law March 29, 1902, without approval of the Governor.

CHAPTER 125.

Branch peni -
tentiary—appro-
priation. AN ACT to provide for needed improvements at the Branch Peni-
tentiary, Eddyville, Kentucky.

WHEREAS, In the construction of the branch penitentiary it was the intention to erect a cell house on the south side as well as on the north side of the administration building, and the building never completed, and a space left in the wall where the right cell house was to be, said space now being enclosed by a plank stockade, which is in a dilapidated and decayed condition; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioners of the Kentucky penitentiaries be, and hereby are, authorized and instructed to erect a concrete wall to take the place of the wooden stockade.

§ 2. That the sum of six thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Treasury for the purpose set forth in the preceding section of this act.

§ 3. Because of the unsafe condition of the wooden stockade, and the importance of immediate action in the premises, an emergency is declared to exist, and this act shall take effect immediately upon its passage.

Became a law without the signature of the Governor March 29, 1902.

CHAPTER 126.

AN ACT to provide for needed improvements in the Branch Penitentiary at Eddyville, Kentucky.

Branch peni-
tentiary—appro-
priation.

WHEREAS, The cell room at the branch penitentiary is inadequate, there being but four hundred and fourteen cells for a population of more than five hundred and thirty prisoners, and the population is steadily increasing, and the practice of two prisoners occupying the same cell can not be too severely condemned; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioners of the Kentucky penitentiaries be, and hereby are, authorized and directed to erect the first section of the cell house on the south side of and connecting with the administration building.

§ 2. That the sum of forty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Treasury for the purpose set forth in the preceding section of this act.

§ 3. Because of the crowded condition of the penitentiary, and the unhealthy and demoralizing practice of two prisoners occupying the same cell, an emergency is declared to exist and this act shall take effect immediately upon its passage.

Became a law without the signature of the Governor March 29, 1902.

CHAPTER 127.

~~Frankfort peni-~~ AN ACT to provide for needed improvements in the State Peniten-
~~tentiary—appropri-~~ tiary, at Frankfort, Kentucky.

WHEREAS, The chair factory at the Frankfort Penitentiary is heated by exhaust steam from the engines, and there being sufficient exhaust steam to heat all the other buildings in that institution where live steam is now used, said exhaust steam now going to waste, other than the steam used for the purpose of heating the chair factory, and if the heating apparatuses in the other buildings were remodeled and put in proper shape and equipped with the Webster Vacuum system for pumping back the hot condensed water for use in the boilers a very large economy could be effected; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioners of the Kentucky penitentiaries be, and hereby are, authorized and directed to remodel and put in proper shape the heating apparatuses in the buildings of the Frankfort Penitentiary, other than the chair factory, and to purchase and install the Webster Vacuum system.

§ 2. That the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Treasury for the purpose set forth in the preceding section of this act.

§ 3. Because of the great economy set forth in the preceding section of this act and owing to the improper heating system in the work shops at the Frankfort Penitentiary, an emergency is declared to exist and this act shall take effect immediately upon its passage.

Became a law without the signature of the Governor March 29, 1902.

CHAPTER 128.

AN ACT to amend an act, and to re-enact an act, entitled "An Act relating to revenue and taxation," which became a law November eleventh, eighteen hundred and ninety-two, the Governor not having signed or returned same to the House in which it originated within the time prescribed by the Constitution, and as amended by an act, entitled "An Act to amend an act, entitled An Act relating to revenue and taxation, which became a law without the approval of the Governor November eleventh, eighteen hundred and ninety-two," which was approved June ninth, eighteen hundred and ninety-three, and as amended by an act, entitled "An Act to amend an act, entitled An Act relating to revenue and taxation, approved November eleventh, eighteen hundred and ninety-two," which was approved March seventh, eighteen hundred and ninety-four, and as amended by an act, entitled "An Act to amend an act, entitled An Act relating to revenue and taxation, which became a law without the approval of the Governor November eleventh, eighteen hundred and ninety-two," which was approved March fifteenth, eighteen hundred and ninety-four, and as amended by an act, entitled "An Act to amend section one, article six, of chapter one hundred and three of Session Acts of one thousand eight hundred and ninety-one, ninety-two, ninety-three, entitled An Act relating to revenue and taxation, which became a law November eleventh, eighteen hundred and ninety-two," which was approved March fifteenth, eighteen hundred and ninety-four, and as amended by an act, entitled "An Act to amend section seven, article six, of an act relating to revenue and taxation," which was approved March nineteenth, eighteen hundred and ninety-four. And as amended by an act, entitled "An Act to amend an act, entitled An Act to amend an act, entitled An Act relating to revenue and taxation, Session Acts eighteen hundred and ninety-one, ninety-two, ninety-three, which became a law November eleventh, eighteen hundred and ninety-two, approved June ninth, eighteen hundred and ninety-three," which was approved March twenty-second, eighteen hundred and ninety-four. And as amended by an act, entitled "An Act to amend an act, approved November eleventh, eighteen hundred and ninety-two, relating to revenue and taxation, and to amend an amendment to said act of June ninth, eighteen hundred and ninety-three, relating to peddlers," which was approved March twenty-second, eighteen hundred and ninety-four and as amended by an act, entitled "An Act to amend and re-enact section nineteen of an

act, entitled An Act relating to revenue and taxation, approved November eleventh, eighteen hundred and ninety-two, as amended by section two, chapter forty-five, of the Session Acts of eighteen hundred and ninety-four, the same being section four thousand one hundred and forty-seven of the Kentucky Statutes," which was approved March seventeenth, eighteen hundred and ninety-six. And as amended by an act, entitled "An Act to amend and re-enact section one of an act, entitled An Act regulating revenue and taxation, approved November eleven, eighteen hundred and ninety-two," approved May eighth, eighteen hundred and ninety-seven, and as amended by an act, entitled "An Act to amend section four thousand one hundred and fifty-one of article seven, chapter one hundred and eight, revenue and taxation, Kentucky Statutes (General Statutes, 1078), acts eighteen hundred and eighty-six." Approved May twelfth, eighteen hundred and ninety-seven, and amended by an act, entitled "An Act to amend an act, entitled An Act to regulate the assessment of property for taxation and the payment thereon belonging to non-residents of the counties in which the same is situated, approved March nineteenth, eighteen hundred and ninety-four," which was approved March seventeenth, nineteen hundred, and as amended by an act, entitled "An Act relating to the taxation of the shares of stock of national banks," being chapter twenty-three of the Session Acts of nineteen hundred, approved March twenty-first, nineteen hundred, so that said act of November eleventh, eighteen hundred and ninety-two, and as amended by the above-stated subsequent acts and amendments thereto, as now amended and re-enacted, will read as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

§ 1. An annual tax of fifty cents upon each one hundred dollars of value of all property directed to be assessed for taxation, as hereinafter provided, shall be paid by the owner, person, or corporation assessed. The aggregate amount of tax realized by all assessments shall be for the following purposes:

Taxes—how divided.
Twenty-two and one-half cents for the ordinary expenses of the government; twenty-two cents for the support of the

common schools; five cents for the use of the sinking fund; one-half of one cent for the Agricultural and Mechanical College, as now provided by law by an act entitled "An act for the benefit of the Agricultural and Mechanical College," approved April twenty-ninth, one thousand eight hundred and eighty, including the necessary traveling expenses of all pupils of the State entitled to free tuition in such college and who continue students for a period of ten months, unless unavoidably prevented.

§ 2. All real and personal estate within this State, and all personal estate of persons residing in this State, and of all corporations organized under the laws of this State, whether the property be in or out of this State, including ^{Property subject} to taxation. intangible property, which shall be considered and estimated in fixing the value of corporate franchises as herein-after provided, shall be subject to taxation unless the same be exempt from taxation by the Constitution, and shall be assessed at its fair cash value, estimated at the price it would bring at a fair voluntary sale.

§ 3. The Commonwealth, and each county, incorporated city, town or taxing district, shall have a lien on the property assessed for the taxes due them respectively, which shall not be defeated by gift, devise, sale, alienation, or any means whatever, unless the gift, devise, sale or alienation shall have been made for more than five years before the institution of proceedings to enforce the lien, and nothing shall be exempt from levy and sale for taxes and cost incident to the sale. When any lands or improvements shall not be assessed in any one year, it may be assessed retrospectively, in the manner provided for by law, for that year, at any time not later than five years thereafter; but the lien thereby accruing shall not prejudice the rights of purchasers acquired in the meantime.

§ 4. For the purposes of taxation, real estate shall include all lands within this State and improvements thereon; and personal estate shall include every other species

^{Real estate—what included.}

and character of property—that which is tangible as well as that which is intangible.

§ 5. The holder of the legal title, and the holder of the equitable title, and the claimant or bailee in possession of the property, on the fifteenth of September of the year the assessment is made, shall be liable for taxes thereon; but, as between themselves, it shall be the duty of the holder of the equitable title to list the property and pay the taxes thereon, whether the property be in possession or not at the time of the payment.

• § 6. All estate, real and personal, and all interest in such estate, named and specified in the tax-book, shall be assessed for taxation, and the tax paid by the owner thereof to the persons authorized by law to receive the same unless otherwise specially provided.

§ 7. Lands shall be valued for taxation without reference to conflicting title, and shall be listed in the county in which it is located.

§ 8. The following property is exempt from taxation: Public property used for public purposes; places actually used for religious worship, with the grounds attached thereto, and used and appurtenant to the house of worship not exceeding one-half acre in the cities or towns, and not exceeding two acres in the country; places of burial not held by private or corporate profit; institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporations, and the income of which is devoted solely to the cause of education; public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion with not exceeding one-half acre of ground in towns and cities, and two acres of ground in the country, appurtenant thereto; household goods and other personal property of a person with a family not exceeding

Property—whom listed by—when.

Property exempt from taxation.

two hundred and fifty dollars in value; crops grown in the year in which the assessment is made and in the hands of the producer.

§ 9. The bonds of all officers mentioned in this chapter shall bind them and their sureties to not only the faithful performance of their duties, and the strict accounting of all moneys due by them to the State, but also for the correctness of all amounts claimed and collected by them as commissions or compensation for their services.

§ 10. Whenever any penalty is provided for in this chapter, it may, unless otherwise especially stated, be enforced either by indictment in the circuit court of the county, or by action in any court having competent jurisdiction.

§ 11. When no other penalty is mentioned for a failure to do an act or the doing of an act forbidden or required by this chapter, the penalty in all such cases shall not be less than ten nor more than five hundred dollars.

§ 12. In all suits and controversies involving the titles of lands claimed or held under the deed executed by the sheriff in pursuance of the sale for taxes, the deed shall be *prima facie* evidence of the regularity of the sale and of all prior proceedings and title in the person to whom the deed has been executed.

§ 13. If the purchaser of land sold for taxes shall die before a deed thereto shall be executed, the deed may be executed by the sheriff to and in the name of the deceased person and such deed shall vest the title in the heirs at law or devisees of such deceased person, in the same manner as though made to the decedent before his death, and be liable to claims of creditors and other persons as if the deed had been executed to the deceased person while living.

§ 14. Any person having a lien on property upon which the owner has failed to pay the taxes, and has become delinquent, such lien-holder may pay the taxes, interest and penalties thereon, and shall be subrogated to the lien of the Commonwealth, county or district therefor, and the sum so

Bonds of officers.

Penalty.

Suits involving titles to land.

paid shall bear legal interest from the date of payment, and shall be collectible in the same manner as the original claim of the lien-holder.

§ 15. Whenever the occupant or tenant of any land, or bailee or person in possession of any personal property, shall pay the tax thereon which the owner ought to pay, the person paying the tax shall be entitled to recover of the owner the amount of the tax so paid, and interest, which shall constitute a lien on the property upon which such tax was paid.

§ 16. When two or more persons own land which has been assessed as one tract, any one or more of them, after partition of the same, and upon ten days' notice to the other owners, may make application to the county court of said county for an apportionment of the assessment; and the said court is hereby authorized to apportion the assessment among the owners according to the value of their respective interests, as shown by the proof introduced by them. If delinquent taxes are due on said land any one or more of said owners may have his portion released therefrom by paying to the officers to whom such delinquent taxes are payable his *pro rata* share thereof, as ascertained by the judgment of apportionment, and said judgment shall be final, unless an appeal therefrom to the circuit court, which is hereby given appellate jurisdiction, be prosecuted within sixty days from the rendition of the same.

Court authorized
to apportion as-
essment, etc.

§ 17. Where land owned by two or more persons shall be assessed conjointly, and any one or more of them shall not pay their portion of the tax, any such owner paying the whole tax, or who shall redeem the whole tract after it has been sold for delinquent taxes, shall have a lien on the delinquent's portion for the tax justly owing by such delinquent, and may sue for and recover the same.

§ 18. Whenever any person shall purchase property sold for delinquent taxes, and the sale shall be set aside because of any irregularity, the purchaser shall have a lien on the

property for the amount of taxes and cost paid by him, and for which the property is liable, with legal interest from the time of such payment, which may be recovered from the owner of the property or person owning the same.

§ 19. No officer named in this chapter shall retain any part of the compensation allowed his deputy or deputies longer than thirty days. Any officer violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction, be fined not less than five hundred dollars for each offense.

§ 20. That in all cases where lands have been purchased by the State for taxes which were assessed in one thousand eight hundred and seventy-nine, and prior thereto, the State as to said taxes hereby relinquishes all claim, and the Auditor is hereby directed to relinquish upon the record books of his office all such lands.

§ 21. That it shall be the duty of all persons owning any real or personal property, mineral rights or standing (branded) trees of any kind whatever, on the lands of another or any coal oil or gas privileges, by lease or otherwise, or any interest therein, in this State, other than in the county in which the said owners reside, or if they should reside out of the State, to list the property for taxation, personally, or by an authorized agent, in the county where situated, at the same time and in the same manner as is now required by law of resident owners; or to file a descriptive list of the same between the fifteenth day of September, and the fifteenth day of October in each year, with the county court clerk of the county where said property is located, fixing a fair cash value of the same, and giving the nearest resident thereto, and the number of the magisterial district in which the same is located. Whoever shall willfully fail or refuse to comply with the provisions of this Act shall be fined not exceeding fifty dollars, to be recovered by an indictment in the county in which the same is situated; Provided, That no fine shall be assessed when the

property is assessed and taxes paid by the owner or his agent. That all actions and prosecutions now pending, in which judgment of conviction has not been rendered, shall proceed under the provisions of this Act.

§ 22. It shall be the duty of the sheriff or tax collector, if any of the property herein referred to shall be sold by him for such taxes, to be governed in the advertisement and sale of the same, under the laws now in force in this Commonwealth regulating sales under execution; and if said sheriff or tax collector shall, at the time of such sale, have both State and county taxes against said property, and fails to get a bidder to cover said taxes and costs, he shall strike the same off, one half to the State and the other half to the county, in payment of said taxes, and certify the same to the clerk of the county court of said county, and also to the Auditor of this State; and if said sheriff or tax collector shall fail herein, he shall be fined twenty dollars.

§ 23. That any lands or other property sold for taxes under the provisions of this act, may be redeemed by the owner thereof, as is now provided by law for the redemption of such property when sold for taxes.

§ 24. This act shall be construed to mean that all tracts or parts of lands shall be listed in the counties in which they may be situated.

ARTICLE II.

*Assessor—deputies—duties of,
etc.*

§ 1. Any person elected or appointed assessor of taxes at his request, who shall willfully fail to accept the office and discharge the duties thereof, shall be fined five hundred dollars. The assessor may appoint, with the approval of the county court, as many sober, discreet, capable persons, not under the age of twenty-four years, as deputies, to assist him in the discharge of his duties, as he may deem

necessary, and may remove them at his pleasure. The assessor and his assistants are authorized to administer the oath required to be taken by persons whose property is required to be listed for taxation.

§ 2. The assessor and his deputies, before they enter upon the duties of the office, in addition to the oath prescribed by the Constitution, take the following oath: "I do swear that I will administer to every person listing property of any description the oath prescribed by law, and fix the value of all property to be listed by me at its fair cash value, estimated at the price it would bring at a fair voluntary sale, without favor or partiality; that I will diligently search and inquire so that no person shall be passed over, or shall fail to have an opportunity to give a list of his taxable property, and that I will truly report all persons who shall fail or refuse to list their taxable property, after being duly called on by me for that purpose, or who have given in a false or fraudulent list, so help me, God."

§ 3. The assessor shall at the same time execute bond to the Commonwealth, with good surety, to be approved by the county court, for the faithful discharge of the duties of his office, which bond shall be filed in the office of, and kept safely by, the clerk of the county court, and on which the assessor and his sureties shall be liable for any violation of the duties of his office, by himself or any of his assistants. Action may be instituted on it by the Commonwealth or any person aggrieved, and recovery had thereon, from time to time, to the extent of the injury sustained.

§ 4. The assessor shall commence the duties of his office on the fifteenth day of September in each year, and he shall assess his county by justices' districts, in separate books, and he shall also make a separate book or books for each incorporated city, town or taxing district (except

schools districts) of his county, by wards or other subdivisions, as convenience may require.

§ 5. The assessor or his deputies shall administer to every person listing property the following oath: "You do swear that the list of taxable property about to be given in by you will contain a full and complete list, and the best description you can give, of all and every species of property belonging to you or in your possession subject to taxation on the fifteenth day of September last, and that, according to your best judgment, you will value your property at its fair cash value, estimated at the price it would bring at a fair voluntary sale; and that you will true and perfect answers made to all questions as may be asked you concerning your taxable property, or that of others in your possession, or about to be listed by you for them." If, in the opinion of the assessor or assistant, there be any error in any list, it shall be his duty to note same on his tax-book so as to call the attention of the board of supervisors thereto.

§ 6. The assessor shall call upon the county clerk, from time to time, for description list of lands owned by non-residents, and make use of the information contained in them, in making out his list and books of taxable property.

Real estate—
where listed, etc.

§ 7. Real estate, or any interest therein, shall be listed in the county or district where situated, against the owner of the first freehold estate therein. If the owner fails to list the same, the assessor shall, nevertheless, list all lands in his county; and to enable him to ascertain the person in whose name to make the list, he is empowered to swear witnesses, and their statements must be put in writing and returned with the tax-book, and a note or reference made to the proof in the listing of the land.

§ 8. Personal property of every kind shall be separately stated and valued in the appropriate column of the tax-

book herein provided, and if there be no appropriate column, it shall be valued and stated in the column headed "miscellany."

§ 9. If any person shall willfully make a false statement, or, for the purpose of avoiding taxation, make a temporary investment in securities exempt by law from taxation, or convert any intangible property into non-taxable property, outside of this State, or resort to any device whatever for the purpose of avoiding taxation, he shall be deemed guilty of a misdemeanor, and, on conviction, fined any sum not exceeding five hundred dollars, and be subject to three times the amount of the tax upon his estate, to be recovered by the sheriff by action in the name of the Commonwealth in the county in which the estate is liable for taxation; or by the Auditor, when the taxes are payable to him, in the Franklin circuit or quarterly court.

§ 10. All taxable estate shall be assessed and valued as of the fifteenth of September in the year listed, and the person owning or possessing the same on that day shall list it with the assessor, and remain bound for the tax, notwithstanding he may have sold or parted with the same.

§ 11. The assessor, from his own knowledge, and from the statement of the person listing the property for taxation, and such other evidence as he may be able to obtain upon oath of witnesses sworn by him, shall fix the value upon all the estate listed with him for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale, and enter the same in his tax-book, in the proper name and title of things, together with the Christian and surname of the person, and other information designated in the form of the tax-book prescribed by law, giving, also, the aggregate value of the property assessed, and, in estimating the value of lands, the in-

creased value, on account of all improvements thereon, shall be taken into consideration. If the value fixed by the assessor be greater than that fixed by the taxpayer, it shall be the duty of the assessor to notify the taxpayer at the time of the assessment, the amount of such increase, and of the time and place of the meeting of the board of supervisors. The assessor shall report to the board of supervisors a list of all taxpayers in the county whose tax lists have been added to or increased by him after receiving them from the hands of the taxpayer, together with a short statement.

§ 12. The assessor shall make out his tax-books in a fair, legible handwriting, in alphabetical order, according to justices' districts and incorporated cities, towns and taxing districts therein, and make additions of each column, so as to show the aggregate amount, value and number of each column in said tax-book, and prove the accuracy before he returns the same.

§ 13. The assessor shall make and return with his tax-book the number of qualified voters resident in his county, and when a city or town within his county shall have a separate representative in either House of the General Assembly, he shall make a separate report of the qualified voters in such city or town.

§ 14. Persons listing their estates with the assessor shall state separately the tracts of land, the number of acres in each tract and the improvements thereon, the name of the nearest resident thereto, and where situated, giving election precinct in which it is situated; the number of each town lot and the improvements thereon, in what city or town, on which street, and the value of each, and the value of the improvements thereon, to the extent that the same enhances the value of each lot, and whether there is any land adjoining his owned by any nonresident of the county or State, and give the name and place of

residence of such owner, if known; the number of thoroughbred stallions, geldings, mares and colts and their value; the number of stallions, mares, geldings and colts, of common or mixed stock, and their value, and the number of mules, jacks, jennets and mule colts and their value; the number of thoroughbred bulls, steers, cows and calves and their value; the number of bulls, steers, cows and calves, of common or mixed stock, and their value; also all other estate including the number, denomination and fair cash value of all bonds subject to taxation owned by them and subject to taxation, with the value thereof on the fifteenth day of September of the year for which the list is given, and such other facts as may be required in the blanks as hereinafter provided. But no error or informality in the description or location of the property, or in the name of the owner or party assessed, shall invalidate the assessment if the property can with reasonable certainty be located from the description given; and in case of such error and informality, the collector may receive the taxes and by his receipt correct such error or informality.

§ 15. Every person or company engaged in the business of receiving property in pledge or security for money or other thing advanced to pawners or pledgers shall return under oath, the fair cash value of all property so pledged and held on the fifteenth of September annually, and taxes shall be charged on the value of such property to the person holding the same as other property owned by him; and such person shall have a lien on the property to secure the amount of tax paid.

§ 16. Before the first day of September of each year the Auditor of Public Accounts shall deliver to each county clerk of this State, for the use of the assessors and their assistants, a sufficient number of assessment books and necessary blank schedules for the assessment of all property, real and personal, with interrogatories to be pro-

pounded to each person, with affidavit thereto attached, to be signed and sworn to by the party whose property is assessed. The schedule shall contain two columns. In one the person whose property is assessed shall fix the values. In the other, the assessor will fix what, in his judgment, is the proper valuation of the property. The party, or the assessor where the party can not write, shall write the word "None," after each item whenever he has no property to assess as named in each item; but no item shall be passed without being answered. The following shall be the form of interrogatories and schedules as hereinbefore required.

Interrogatories propounded to and answered by_____, of _____ county, _____ State of Kentucky, on the _____ day of _____, and schedule of all property held or owned by him on the fifteenth day of September, eighteen _____, and valuation thereof as fixed by him and as fixed by the assessor.

Interrogatories.

No. 1. Are you, or were you, on the fifteenth day of September of the present year, executor of the will or administrator or curate of the estate of any deceased person, or guardian, committee, assignee, commissioner, receiver or trustee of any person, or have you in your possession or under your control any property, money or other thing of value belonging to any other person or corporation? Answer _____. If the answer is "Yes," the person is required to list such property separate from his own and in the name of the real owner, and show by whom listed.

No. 2. Have you, before the fifteenth day of September of the present year, either personally or through the agency of another, caused any part of your taxable money or other property to be temporarily converted,

either by sale, exchange, or any other manner, into any bonds, money or securities not taxable or any other property not taxable under the laws of this State for the purpose of evading the payment of taxes, or have you resorted to any means or device whatever to evade the payment of taxes on any part of the property owned by you during the twelve months next preceding the fifteenth day of September of the present year? Answer _____. If the answer is Yes, the person will state all the facts connected with such transaction, and the assessor will reduce such statement to writing, and attach it to the schedule, and make a note of the facts in his books, that the attention of the supervisors may be called thereto.

SCHEDEULE.

No. of Item.	DESCRIPTION OF PROPERTY.	Value fixed by the person assessed.	Value fixed by the Assessor.
1.	Amount of bonds, number and denomination of bond and value thereof	\$	\$
2.	Amounts of notes secured by mortgage	\$	\$
3.	Amount of other notes	\$	\$
4.	Amount of accounts	\$	\$
5.	Amount of cash on hand	\$	\$
6.	Amount of cash on deposit in bank	\$	\$
7.	Amount of cash on deposit with other corporations	\$	\$
8.	Amount of cash on deposit with individuals\$	\$	\$
9.	Amount of all other credits or money at interest	\$	\$
10.	Amount of stock in joint stock companies or associations of this State not paid on by the company or associations	\$	\$
11.	Amount of stock in foreign corporations..	\$	\$
12.	Number of acres of land		
13.	Nearest residence thereto		
14.	Election precinct in which situated		

No. of Item.	DESCRIPTION OF PROPERTY.	Value fixed by the person assessed.	Value fixed by the Assessor.
15	Valuation of each tract with improvements	\$	\$
16.	Number of city lot or town lots.....		
17.	Name of town or city where located.....		
18.	Value of each with improvements	\$	\$
- 19.	Number of thoroughbred or standard stallions		
20.	Value	\$	\$
21.	Number of thoroughbred or standard geldings		
22.	Value	\$	\$
23.	Number of thoroughbred or standard mares and colts		
24.	Value	\$	\$
25.	Number of stallions of common stock		
26.	Value	\$	\$
27.	Number of geldings, mares and colts of common stock		
28.	Value	\$	\$
29.	Number of mules and mule colts		
30.	Value	\$	\$
31.	Number of jacks		
32.	Value	\$	\$
33.	Number of jennets		
34.	Value	\$	\$
35.	Number of thoroughbred or standard bulls		
36.	Value	\$	\$
37.	Number of thoroughbred and standard cows and calves		
38.	Value	\$	\$
39.	Number of bulls, cows, calves and steers of common stock		
40.	Value	\$	\$

No. of Item.	DESCRIPTION OF PROPERTY.	Value	Value
		fixed by the person assessed.	fixed by the Assessor.
41.	Number of sheep	\$	\$
42.	Value	\$	\$
43.	Number of hogs	\$	\$
44.	Value	\$	\$
45.	Value of agricultural implements	\$	\$
46.	Value of agricultural products	\$	\$
47.	Less value of the crops grown in the year assessment was made and in the hands of the producer	\$	\$
48.	Value of agricultural products for tax- ation	\$	\$
49.	Value of wagons, carriages, bicycles and vehicles of every kind	\$	\$
50.	Value of slaughtered animals	\$	\$
51.	Value of sewing and knitting machines ..	\$	\$
52.	Value of safes	\$	\$
53.	Value of household and kitchen furniture.	\$	\$
54.	Value of manufacturing implements, mach- inery of all kinds	\$	\$
55.	Value of pianoforte and other musical in- struments	\$	\$
56.	Value of raw materials to be used in manu- facturing	\$	\$
57.	Value of manufactured articles	\$	\$
58.	Number of paintings—, value thereof ..	\$	\$
59.	Library —, number of volumes —, value thereof	\$	\$
60.	Number of diamonds—, value thereof ..	\$	\$
61.	Value of watches and clocks	\$	\$
62.	Value of jewelry	\$	\$
63.	Value of gold, silver and plated ware ..	\$	\$
64.	Value of steam engines, including boiler ..	\$	\$

No. of Item.	DESCRIPTION OF PROPERTY.	Value fixed by the person assessed.	Value fixed by the person assessed.
65.	Number of steamboats, sail-boats, or other water-crafts, or any interest therein— value	\$	\$
66.	Value of mineral products	\$	\$
67.	Value of coal mines, oil, gas, and salt wells\$	\$	\$
68.	Value of patent rights, and value of territory in which to sell same	\$	\$
69.	Present value of annuities and royalties \$	\$	\$
70.	Value of brick, stone, and other building material	\$	\$
71.	Value of wines, whiskies, brandies, and mixtures thereof not in distillery bonded warehouse	\$	\$
72.	Number of stores—, value of stock of goods, and other property therein	\$	\$
73.	Value of property held for another for the purpose of sale on commission or otherwise	\$	\$

MISCELLANY.

74.	Value of all property not mentioned above\$	\$
75.	Total value of property listed as above\$	\$
76.	Less household goods and other personal property of persons with a family to be deducted from valuation of personal property listed above, not to exceed two hundred and fifty dollars in value\$	\$

77.	Balance of taxation\$	\$
78.	Males over twenty-one years of age	
79.	Legal voters	

**No. of
Item.**

80. Enrolled militia
81. Children between six and twenty years
82. Number of studs, jacks and bulls for which service fee was charged
83. Rate per season
- The following questions are required to be answered for statistical purposes:
84. Pounds of tobacco raised during the year ..
85. Pounds of hemp raised during the year.....
86. Tons of hay raised during the year.....
87. Bushels of corn raised during the year.....
88. Bushels of wheat raised during the year.....
89. Bushels of oats raised during the year.....
90. Bushels of barley raised during the year.....
91. Bushels of grass seed and clover raised during the year.....
92. Tons of coal mined during the year.....
93. Tons of pig metal mined during the year
94. Tons of bloom.....
95. Tons of bar iron.....
96. Number of acres of wheat raised during the year.....
97. Number of acres of corn raised during the year.....
98. Number of acres of meadow.....
99. Number of acres of woodland.....
100. Number of acres of tobacco.....

The following shall be the form of oath, which shall be printed on each schedule, which the party whose list is taken shall subscribe and swear to before the assessor or his assistant as soon as such schedule shall be completed; and all persons failing or refusing to take such oath shall be deemed guilty of refusing to give in their property for assessment, and be fined as provided for such offenses:

State of Kentucky, }
..... County, } *Scilicet:*

I do solemnly swear (or affirm) that the foregoing schedule contains a true, full and complete list of all taxable property belonging to me on the fifteenth day of September, 18...., and to the best of my knowledge, belief and judgment the values fixed by me to the various articles as above, is the fair cash value thereof, estimated at the price it would bring at a fair voluntary sale, and that to the best of my knowledge, belief and judgment none of said articles would bring any greater sum at any such sale than as stated above. I further swear that to the best of my knowledge, belief and judgment I can not realize any greater sum on the notes and accounts owned and held by me against others than as stated by me in said schedule, and that the answers made by me to the above interrogatories are true.

.....
Subscribed and sworn to before me by
this.....day of....., after said oath was
read to him by me.

..... Assessor.

It shall be the duty of every assessor or deputy to read said oath in full to each taxpayer and to see that no item has been passed unanswered, before he shall be allowed to sign or swear to it. Any assessor or deputy who shall violate either of these provisions shall be deemed guilty of a misdemeanor, and, on conviction, be fined fifty dollars for each offense; and any person who shall make a false statement as to any matter with reference to the listing of his property for taxation shall be deemed guilty of false swearing, and, on conviction, shall be punished accordingly.

§ 17. The assessor shall complete his work and return the tax-books and schedules to the county clerk on or before the first day of January, and the clerk shall file and

reserve the same. The schedules may be destroyed after three years.

§ 18. If, for any cause, the tax-books be not returned by the assessor, the county clerk shall copy and deliver to the sheriff the tax-books of the previous year, by the fifteenth day of February, and take his receipt therefor, and notify the Auditor. By this tax-book the Auditor and sheriff shall be governed in the collection and payment of the tax into the Treasury for that year, and the sheriff shall be governed by the same book in collecting the county levy for that year.

§ 19. The assessor shall report to the county clerk the names of all persons refusing to give a full and complete list of their property, or refusing to make oath of the same, and the clerk shall notify the supervisors; and if the supervisors fail to get a full and complete list of the property of such person, and so notify the clerk, then the county court, after giving five days' notice to such person, shall proceed to determine and ascertain the property and its value, and shall impose on such person a fine not exceeding one hundred dollars.

§ 20. The county clerk shall issue summons in the name of the Commonwealth of Kentucky, in which shall be stated the offense in general terms against each of the delinquents, returnable to the next term of the county court, which shall hear and determine the cause, upon giving the defendant the right to have a jury to try the facts, if demanded before the trial is begun, which jury shall be composed of housekeepers and summoned by the sheriff. If the defendant be found guilty, the court shall enter judgment for the fine and cost. The court shall assess the taxable property upon the statement of defendant, made upon oath, or upon such other evidence as he may be able to obtain, and execution shall be issued for the fine and costs. The amount of the assessment shall be certified by the clerk

to the sheriff and Auditor of Public Accounts, and the tax collected and accounted for as other taxes.

§ 21. The county court, before judgment is rendered against one reported in default, as above indicated, may, if it be satisfied that the defendant was not willfully in default, direct the clerk to take the list of taxable property of such delinquent in the manner prescribed by law. The list aforesaid shall be forthwith certified to the sheriff and Auditor, to be charged to the sheriff, and accounted for by him as other revenue. In such cases the county court may excuse the delinquent from the payment of the fine upon the payment of the cost of the prosecution.

§ 22. Any person who has failed to give in his list of taxable property, in whole or in part, because he was not called upon by the assessor, may, at any time, and it is hereby made his duty, after the assessor has returned his books, to list the same with the county clerk, who, in taking the same, shall be governed by the laws regulating the duty of the assessor.

The assessor or his assistant, before he returns any one in default, shall apply at his residence, if a corporation at the place of business, for list of his taxable property, and in case of his absence, leave a written notice with some person of the household over sixteen years of age, or put on the front door of the residence or place of business, of the time and place such person shall meet the assessor in his county, and give in his list of taxable property; and if he fails to attend and give in such list, then the assessor shall report the person to the county clerk, and the clerk shall report such person to the supervisors, who shall assess and value his property.

§ 23. If the assessor reports any one in default under the foregoing section, without having performed the duties required of him in said section, he shall be fined ten dollars.

§ 24. No sheriff shall receive or receipt for any taxes until a copy of the assessor's books, as approved by the board

of supervisors, has been delivered to him by the county clerk, or the list filed in the county clerk's office has been certified to him by the said clerk. For a violation of this section the sheriff shall be fined one hundred dollars for each offense.

§ 25. The county attorney shall prosecute under the preceding sections, and he shall receive for his services twenty-five per cent. of the amount recovered.

§ 26. The assessor and his deputies shall give in the list of their taxable property to the board of supervisors, and in taxing said list the board shall be governed in all respects by the laws applicable to the assessor in listing property. On the failure of the assessor and assistants to so list their property, they shall be liable as delinquents, as hereinbefore provided, and be liable to the same penalties

§ 27. The assessor shall, after he has returned his tax-book, and the same has been corrected by the board of supervisors, present to the county court his account, verified by affidavit, stating the total assessed value of the property listed by him as shown by his tax-book thus corrected; and if said court, upon investigation, find said account to be correct, it shall certify to the Auditor the amount due to the assessor for the services required of him by law, which shall be based on the total value of the assessment made by him as above required, as follows: Four cents on the one hundred dollars of the first million, and one and one-quarter cents on each one hundred dollars of the excess over one million; but no assessor shall be entitled to receive more than four thousand dollars for his services during any year. In counties in which the assessed value of property exceeds thirty-eight million of dollars, the assessor shall be allowed, as compensation to deputies appointed and qualified, the sum of one thousand five hundred dollars for each seven and one-half million dollars of property which may be assessed in excess of thirty-eight million dollars. In counties where the assessment does not exceed one million

dollars, the assessor shall be paid four and one-half cents on the one hundred dollars of the entire property listed.

§ 28. Before the county court shall grant such certificate of allowance, the assessor and his deputies, if any, shall, in open court, make and file the following affidavit, subscribed and sworn to by them before the clerk of the county court, viz: "I do swear that I have not received from any person a list of taxable property and returned the same until the person rendering the list had made oath to the truth and value of the same; and I do further swear that I have, in no instance, assessed any property at a greater or less sum than I deemed a fair cash value, estimated at the price it would bring at a fair voluntary sale." Any assessor or deputy who shall make affidavit, knowing the same to be false in any particular, shall be deemed guilty of false swearing, and, on conviction, be punished accordingly.

§ 29. A reduction of fifty cents shall be made from the assessor's compensation for each list he shall fail to report for taxation, or report without authority of law, and one dollar each for each duplicate assessment. The Auditor of Public Accounts shall draw his warrant on the State Treasurer for eighty per cent. of such allowance, and shall draw his warrant on the Treasurer for the remainder due the assessor, as herein provided, after the October session of the fiscal court, on or before which time the sheriff shall report, on oath, to said court a list of all persons, with their taxable property so far as is known to them, who were omitted by the assessor, also the names of any persons duplicated by the assessor. The report of the sheriff shall be certified to by the county clerk to the Auditor, that the deductions may be made from the assessor's claims, as herein provided.

§ 30. That it shall hereafter be unlawful for any assessor of this State to list any lands owned by non-residents of this State that have heretofore been sold, or that may

hereafter be sold, and purchased by the State for taxes due thereon, except as hereinafter provided.

§ 31. That the owners of all such land that has heretofore been sold, or may hereafter be sold, and purchased by the State for taxes due thereon, shall be required to pay, in addition to the amount said lands were sold for, all taxes accumulated thereon after the sale of the same to the date of the redemption, to the officers now required by law to receive it.

§ 32. That whenever the owners of said lands shall redeem same, as provided in section thirty-one, of article two, of this chapter, it shall be the duty of the clerk of the county court to certify said redemption to the assessor of the county, whose duty it shall be to list the same for taxation.

§ 33. That any assessor who shall list any of said lands in violation of this act shall be guilty of a misdemeanor, and fined not exceeding two hundred dollars for each offense.

ARTICLE III.

SUBDIVISION I.

§ 1. Every railway company or corporation, and every incorporated bank, trust company, guarantee or security company, gas company, water company, ferry company, bridge company, street railway company, express company, electric light company, electric power company, telegraph company, press dispatch company, telephone company, turnpike company, palace-car company, dining-car company, sleeping-car company, chair-car company, and every other like company, corporation or association, also every other corporation, company or association having or exercising any special or exclusive privilege or franchise not allowed by law to natural persons, or performing any pub-
Franchise—assessment of, etc.

lic service, shall in addition to the other taxes imposed on it by law, annually pay a tax on its franchise to the State, and a local tax thereon to the county, incorporated city, town and taxing district, where its franchise may be exercised. The Auditor, Treasurer and Secretary of State are hereby constituted a Board of Valuation and Assessment, for fixing the value of said franchise, except as to turnpike companies, which are provided for in section twenty-two of this article, the place or places where such local taxes are to be paid by other corporations on their franchise, and how apportioned, where more than one jurisdiction is entitled to a share of such tax, shall be determined by the Board of Valuation and Assessment, and for the discharge of such other duties as may be imposed on them by this act. The Auditor shall be chairman of said board, and shall convene the same from time to time, as the business of the board may require.

§ 2. In order to determine the value of the franchises mentioned in the next preceding section, except banks and trust companies whose statements shall be filed as hereinafter required by section sixteen of this article, shall annually, between the fifteenth day of September and first day of October, make and deliver to the Auditor of Public Accounts of this State a statement, verified by its president, cashier, secretary, treasurer, manager, or other chief officer or agent, in such form as the Auditor may prescribe, showing the following facts, viz.: The name and principal place of business of the corporation, company or association; the kind of business engaged in; the amount of capital stock, preferred and common; the number of shares of each; the amount of stock paid up; the par and real value thereof; the highest price at which such stock was sold at a *bona fide* sale within twelve months next before the fifteenth day of September of the year in which the statement is required to be made; the amount of surplus

Annual report.

fund and undivided profits and the value of all other assets; the total amount of indebtedness as principal, the amount of gross or net earnings or income, including interest on investments, and incomes from all other sources for twelve months next preceding the fifteenth day of September of the year in which the statement is required; the amount and kind of tangible property in this State, and where situated, assessed, or liable to assessment in this State, and the fair cash value thereof, estimated at the price it would bring at a fair voluntary sale, and such other facts as the Auditor may require.

§ 3. Where the line or lines of any such corporation, company or association extend beyond the limits of the State or county, the statement shall, in addition to the other facts hereinbefore required, show the length of the entire lines operated, owned, leased or controlled in this State, and in each county, incorporated city, town or taxing district, and the entire line operated, controlled, leased or owned elsewhere. If the corporation, company or association be organized under the laws of any other State or government, or organized and incorporated in this State, but operating and conducting its business in other States as well as in this State, the statement shall show the following facts, in addition to the facts hereinbefore required: The gross and net income or earnings received in this State and out of this State, on business done in this State, and the entire gross receipts of the corporation, company or association in this State and elsewhere during the twelve months next before the fifteenth day of September of the year in which the assessment is required to be made. In cases where any of the facts above required are impossible to be answered correctly, or will not afford any valuable information in determining the value of the franchises to be taxed, the said board may excuse the officer from answering such questions: *Provided*, That

said board, from said statement, and from such other evidence, as it may have, if such corporation, company or association be organized under the laws of this State, shall fix the value of the capital stock of the corporation, company or association, as provided in the next succeeding section, and from the amount thus fixed shall deduct the assessed value of all tangible property assessed in this State, or in the counties where situated. The remainder thus found shall be the value of its corporate franchise subject to taxation as aforesaid.

Corporation organized under laws of other States.

§ 4. If the corporation, company or association be organized under the laws of any other State or government, except as provided in the next section, the board shall fix the capital stock as hereinbefore provided, and will determine from the amount of the gross receipts of such corporation, company or association in this State and elsewhere, the proportion which the gross receipts in this State, within twelve months next before the fifteenth day of September of the year in which the assessments was made, bears to the entire gross receipts of the company, the same proportion of the value of the entire capital stock, less the assessed value of the tangible property assessed, or liable to assessment, in this State, shall be the correct value of the corporate franchise of such corporation, company or association for taxation in this State.

§ 5. If the corporation organized under the laws of this State or of some other State government be a railroad, telegraph, telephone, express, sleeping, dining, palace or chair car company, the lines of which extend beyond the limits of the State, the said board will fix the value of the capital stock as hereinbefore provided, and that proportion of the value of the capital stock, which the length of the lines operated, owned, leased or controlled in this State, bears to the total length of the lines owned, leased or controlled in this State and elsewhere, shall be considered in

fixing the value of the corporate franchise of such corporation liable for taxation in this State; and such corporate franchise shall be liable to taxation in each county, incorporated city, town or district through, or into which, such lines pass, or are operated, in the same proportion that the length of the line in such county, city, town or district bears to the whole length of lines in this State.

§ 6. Whenever any person or association of persons not being a corporation nor having capital stock, shall, in this State, engage in the business of any of the corporations mentioned in the first section of this article, then the capital and property, or the certificates or other evidences of the rights or interests of the holders thereof in the business or capital and property employed therein, shall be deemed and treated as the capital stock of such person or association of persons for the purposes of taxation and all other purposes under this article, in like manner as if such person or association of persons were a corporation.

§ 7. It shall be the duty of the Auditor, immediately after fixing such values by said board, to notify the corporation of the fact; and all such corporations shall have thirty days from the time of receiving the notice to go before such board and ask a change of the valuation, and may introduce evidence, and the chairman of the board is hereby authorized to summons and swear witnesses, and after hearing such evidence the board may change the valuation as it may deem proper, and the action of the board shall be final.

Auditor to notify corporation of fixing of values.

§ 8. The Auditor shall, at the expiration of thirty days after the final determination of such values, certify to the county clerk of the counties, when any portion of the corporate franchise of any such corporation, company or association shall be liable to local taxation as herein provided, the amount thereof liable for county, city, town or district tax; and such certificate shall be by each county

Auditor to certify to county clerk.

clerk filed in his office, and be by him certified to the proper collecting officer of the county, city, town or taxing district for collection, and all county, city, municipal, school and other taxes shall be due and payable thirty days after the notice of the amount of such tax is given by the officer whose duty it is to collect the same.

§ 9. The property of all corporations, except where herein differently provided, shall be assessed in the name of the corporation in the same manner as that of a natural person, except that, when legally called on, the chief officer shall report a full statement of the property of such corporation for taxation, and, for a failure, shall be subject to the penalties in this article provided; and so long as said corporation pays the taxes on all its property of every kind, the individual stockholders shall not be required to list their shares in said corporation.

§ 10. All corporations and other persons who are required to make reports to the Auditor of Public Accounts shall pay all taxes due the State from them into the Treasury at the same time, and shall be liable for and pay the same rate of interest and penalties as defrauding individuals, except where otherwise specially provided.

§ 11. Any corporation, or officer thereof, willfully failing or refusing to make reports as required by this chapter shall be deemed guilty of a misdemeanor, and for each offense shall be fined one thousand dollars, and fifty dollars for each day the same is not made after October first of each year.

§ 12. The individual stockholders of the corporation which are, by this article, required to report and pay taxes upon the corporate franchise shall not be required to list their shares in such companies so long as the corporations pay the taxes on the corporate property and franchises as herein provided.

§ 13. Should any corporation required to make the re-

port as hereinbefore provided be in the hands of, or under the control of, a receiver or other person, it shall be the duty of such receiver or other person to make the return and valuation as hereinbefore required.

§ 14. Should any corporation fail to make the reports as required herein on or before the first day of October of each year, the said board shall proceed to ascertain the facts and values as required by this article, in such manner and by such means as it deems proper, at the cost of the company failing to make the report, and shall fix the value of the corporate franchise liable for taxation as aforesaid, and the corporation shall be taxed accordingly.

§ 15. All State taxes assessed against any corporation, company or association under this article, except banks and trust companies, shall be due and payable thirty days after notice of the same has been given said corporation, company or association by the Auditor; and all county, municipal, school and other taxes shall be due and payable thirty days after notice of the amount of said tax is given by the officer, whose duty it is to collect the same, and every such corporation, company or association failing to pay its taxes, after receiving thirty days' notice, shall be deemed delinquent, and a penalty of ten per cent. on the amount of the tax shall attach, and thereafter such tax shall bear interest at the rate of ten per cent. per annum; any such corporation, company or association failing to pay its taxes, penalty and interest, after becoming delinquent, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined fifty dollars for each day the same remains unpaid, to be recovered by indictment or civil action, of which the Franklin circuit court shall have jurisdiction.

Taxes—when
due.

SUBDIVISION II.

Banks and trust
companies to file
report.

§ 16. All banks and trust companies shall file the report herein required by section one, sub-division one, of this article, on or before the first day of March, one thousand and nine hundred and three, and annually on or before March first, thereafter. Said reports shall be made up to and including the thirty-first day of the preceding December. The taxes herein provided for shall be due and payable on or before the first day of July next succeeding such report. Upon failure to make said report or to pay said taxes as herein required, said banks and trust companies shall be subject to the same fines and penalties as prescribed in section fifteen, sub-division one, of this article.

§ 17. That the shares of the stock in each national bank of this State shall be subject to taxation for all State purposes and shall be subject to taxation for the purposes of each county, city, town and taxing district in which the bank is located.

President and
cashier to list
shares of stock,
etc.

§ 18. For the purposes of the taxation provided for by the next preceding section, it shall be the duty of the president and the cashier of the bank to list the said shares of stock with the assessing officers authorized to assess real estate for taxation, and the bank shall be and remain liable to the State, county, city, town and district for the taxes upon said shares of stock. When any of said shares of stock have not been listed for taxation for any of said purposes under levy or levies of any year or years since the adoption of the revenue law of eighteen hundred and ninety-two, it shall be the duty of the president and cashier to list the same for taxation under said levy or levies; provided that where any national bank has heretofore, for any year or years, paid taxes upon its franchise as provided in article three of the revenue law of eighteen hundred and ninety-two, said bank shall be excepted from the opera-

tion of this section as to said year or years; and provided further, that where any national bank has heretofore, for any year or years, paid State taxes under the Hewitt bill in excess of the State taxes required by this Act for the same year or years, said bank shall be entitled to credit by said excess upon its State taxes required by this Act.

§ 19. All assessment of shares of stock contemplated by the two preceding sections of this act shall be entered upon the assessor's books, certified and reported by the assessing officers as assessments of real estate are entered, certified and reported and the same shall be certified to the proper collecting officers for collection as assessment of real estate or certified for collection of taxes thereon. The assessments of said shares of stock and collection of taxes thereon, as contemplated herein, may be in force as assessment of real estate and collection of taxes thereon may be enforced.

SUBDIVISION III.

§ 20. That the shares of building associations or building and loan associations shall be taxed as other individual personal property, and shall be listed with the assessor for that purpose by the owners of said shares, the amount so listed by every owner or shareholder to correspond with the amount paid in and not withdrawn by the said shareholders on the fifteenth day of September of every year: *Provided*, That the borrowing members shall not be required to list their shares, if the amounts borrowed by certain members equal or exceed the amount paid in on their respective shares. The shares of infants shall be listed by the parents or guardians of such infants.

Shares of
building and loan
associations taxed
as individuals, etc.

§ 21. The president or secretary of every such building association, or building and loan association, shall list with the assessor the amount of such surplus fund and undivided profits as the association may have on hand and

undistributed on the fifteenth day of September of every year.

SUBDIVISION IV.

Turnpikes.

§ 22. All turnpike road companies in the State shall, by its president or chief officer, make out the reports required in this chapter, on blanks furnished by the Auditor, to the several county clerks of this Commonwealth, who shall furnish, upon application, these blanks to the president or chief officer of every turnpike in or passing through his county. The president or chief officer shall fill out these reports, showing the exact financial condition in detail of the road, the whole length of the road, and the length of the road in each county, and shall annually, between the fifteenth day of September and the fifteenth of October, make and deliver said report, verified under oath, to the county clerk of every county in which the road or any part of it may be located, and kept by said clerk as a public record. These reports shall be used by the board of supervisors of each county in ascertaining the value of the franchise of each road, or part of a road, in their county, and they shall add the amount, if any be found, to the amount of tangible property assessed by the assessor, and the amount so ascertained shall be the whole amount of taxable value of said road. The tangible property assessed by the assessor shall be subject to the supervision of the board of supervisors also. Any president or chief officer of a turnpike company who fails or refuses, or knowingly makes any false statement in his report, shall be deemed guilty of a misdemeanor, and for each offense shall be fined not less than ten dollars nor more than fifty dollars.

ARTICLE IV.

§ 1. That the president or chief officer of each railroad company, or other corporation owning or operating a railroad lying in whole or in part in this State, shall, on or before the first of September in each year, return to the Auditor of Public Accounts of the State, under oath, the total length of such railroad, including the length thereof beyond the limits of the State, and designating its length within this State, and in each county, city, incorporated town and taxing districts therein, together with the average value per mile thereof, and in the respective counties, cities, incorporated towns and taxing districts therein, together with the average value per mile thereof, for the purpose of being operated as a carrier of freight and passengers, including engines and cars, and a list of the depot grounds and improvements, and other real estate the said company and the value thereof, and the respective counties, cities and incorporated towns in which the same are located. That if any of said railroad companies own or operate a railroad or railroads out of this State, the president or chief officer of such company shall only be required to return such proportion of the entire value of all its rolling stock as the number of miles of its railroad in this State bears to the whole number of miles operated by said company in and out of this State. Said report shall be made as of the first day of July, and a failure to file said report by the first day of September shall subject the president or chief officer residing in this State to a fine of one thousand dollars, and fifty dollars for every day after the first day of September that he fails to file said report, to be recovered as indicated by section nine of this article.

§ 2. Should any railroad, or part of a line of railroad, in this State be in the hands or under the control of a

Railroads—chief
officer to report to
Auditor.

Railroad in
hands of receiver.

receiver or other person, by order or decree of any court in this or any other State, it shall be the duty of such receiver or other person to make, under oath, the return and valuations required by the first section of this article; and should the president or chief officer of any railroad company, or such receiver, fail to make said return and valuations on or before the first day of September in each year, the said Auditor shall proceed and ascertain the facts and values required by this article to be returned, and in such manner and by such means as he may deem best, and at the cost of the company failing to make the returns and values.

§ 3. The Auditor shall lay before the Railroad Commission, on or before the first day of October, the return

Railroad commission to equalize, etc.
made to him under this act, and any schedules and valua-

tions he may have made under the second section of this article. And should the valuations, or any of them, in the judgment of said board, be either too high or too low they shall correct and equalize the same by a proper increase or decrease thereof. Said board shall keep a record of their proceedings, to be signed by each member present at any meeting and the said board is hereby authorized to examine the books and property of any railroad company to ascertain the value of its property, or to have them examined by any suitable disinterested person, to be appointed by them for that purpose.

§ 4. It shall be the duty of the county superintendent of

Superintendent of schools to furnish boundary to railroad company, etc.
county schools in each county in which a railroad is oper-
ated to furnish, on or before the first day of July of each

year, to such railroad company or companies, the bound-
ary of each graded or common school district through or
into which any part of such railroad or other railroad
property is situated; and the county clerk of any county
containing any other taxing district through or into which
any railroad is located shall make a similar report to such

railroad company. Any county superintendent or county clerk failing to make report as herein required, or who shall make false report, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty nor more than one hundred dollars for each offense.

§ 5. All taxes against any railroad company, which shall be levied in any common school district, shall be paid to ^{School taxes—} the superintendent of common schools of the county for the benefit of the district entitled thereto.

§ 6. The provisions of this law shall not be construed to apply to any colored school district: *Provided*, that the same rate of taxation assessed against the real estate ^{Colored school district.} of any railroad company or corporation in any graded common school district or common school district, in any year, shall be assessed against all of the taxable property in such district, and the railroad tax, when collected, shall be paid over to the county superintendent of the county in which the district school-house wherein the tax assessed shall be situated, and shall constitute and be held by the county superintendent as a graded or common district school fund; and the said fund shall be apportioned and distributed by the county superintendent between the white graded common school or white common school district wherein said tax shall be collected and any colored common school district which shall be located over the same boundary; the distribution shall be in the same ratio that the whole number of white children of pupil age and the whole number of colored children of pupil age residing in the district shall bear to the whole number of children, white and colored, residing in the district wherein such tax shall be collected.

§ 7. The same rate of taxation for State purposes which is or may be in any year levied on other real estate, shall be, and is hereby, levied upon the value, so found by said

board, of the railroad, rolling stock and real estate of each company; and the same rate of taxation for the purposes of each city, town, part of a county or tax district of any kind, in which any portion of any railroad is located, which is, or may be, in any year levied on other real estate of said company therein, and of the number of miles of said road, therein, reckoned as of the value of the average of each mile of such railroad, with its rolling stock, as ascertained as aforesaid: *Provided*, That railroad bridges spanning any river, which constitutes the boundary or State line of the Commonwealth, shall be assessed as of the counties in which they are located, and local tax derived therefrom shall be applied to each city, town, county or tax district in which said bridges are or may be located; and immediately after said board shall have completed its valuations each year, the Auditor of Public Accounts shall notify the clerk of each county court of the amount so assessed for taxation in his county, and each railroad company of the amount of its assessment for taxation for State purposes and for the purposes of such city, town, county, part of county and tax district.

§ 8. All State taxes assessed against any railroad company shall be due and payable thirty days after notice by mail of the assessment given by the Auditor, and all county, city, municipal, school and other taxes shall be due and payable thirty days after notice of the amount of said tax is given by the officer whose duty it is to collect the same; and every such company failing to pay its taxes after receiving such thirty days' notice of the amount of such tax shall be deemed delinquent, and a penalty of ten per cent. on the amount of the tax shall attach, and thereafter such tax shall bear interest at the rate of ten per cent. per annum. Any railroad company failing to pay its taxes, penalty and interest, after becoming delinquent, shall be deemed guilty of a misdemeanor, and, on con-

Taxes—when
due.

viction, shall be fined fifty dollars for each day the same remains unpaid, to be recovered by indictment or civil action, of which the Franklin circuit court shall have jurisdiction.

§ 9. Taxes, penalties and interest due the Commonwealth from any railroad company may be recovered by the Auditor of Public Accounts, by action in the name of the Commonwealth, in the Franklin circuit court; and those due any county, city, incorporated town or taxing district may be recovered by the officer authorized to receive the same, by action in the name of the Commonwealth in any court of competent jurisdiction.

ARTICLE V.

§ 1. Every owner or proprietor of a distillery bonded warehouse in which distilled spirits are stored shall, between the fifteenth day of September and the tenth day of October of each year, report to the Auditor of Public Accounts, in writing, sworn to by the person making the report; or if the owner or proprietor of such warehouse be a corporation, the report shall be made and sworn to by its principal officer or manager in charge. Such report shall show the quantity and kind of spirits in such warehouse on the fifteenth day of September in the year the statement is required to be made, the dates when made, the county, city, town or taxing district in which the warehouse is situated; whether or not the United States Government tax has been paid thereon, if not, the date of expiration of the bonded period; the fair cash value of the spirits estimated at the price it would bring at a fair voluntary sale, and such other facts pertaining to such spirits as the Auditor may require.

Bonded warehouses—reports, etc.

§ 2. That the said reports shall be, by the Auditor of Public Accounts, submitted to a board of valuation and

~~Board of Valua-
tion and Assess-
ment.~~

assessment composed of the Auditor of Public Accounts, the Treasurer of the State and the Secretary of State, who are hereby constituted such board, and said board shall fix the values for the purpose of taxation under this act, and assess the same accordingly, and shall keep a record of the same accordingly, and shall keep a record of their valuations and assessments in a book provided for that purpose, and said record shall be evidence in all courts of the proceedings of said board.

§ 3. The Auditor of Public Accounts shall file such reports with the board, which shall assess the spirits for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale. The board shall at once notify the owner or proprietor of the warehouse of the amount so fixed; and such owner or proprietor shall have thirty days, after receiving the notice, to go before the board and ask a change of the valuation, and may introduce evidence; and the board may make such changes as it may deem proper. The action of the board shall be final.

§ 4. Immediately after finally fixing such values, the board shall certify to the Auditor of Public Accounts the value of the spirits as assessed for State tax; and said officer shall certify to the said county clerk of the respective counties the amount liable for county, city, town or district taxation, and the date when the bonded period will expire on such spirits. The report shall be by the county clerk filed in his office, and by him certified to the proper collecting officer of the county, city, town or taxing district for collection.

§ 5. Any person or corporation having the custody of such spirits of the fifteenth day of September in the year the assessment is made, shall be liable for all taxes due thereon, together with all interest and penalties which may accrue; and any warehouseman or custodian of such spirits, who shall pay the taxes, interest or penalties on

such spirits, shall have a lien thereon for the amount so paid, with legal interest from day of payment.

§ 6. Taxes on distilled spirits which may be assessed while in a bonded warehouse, and on which the United States Government tax has not been paid, or will not be come due before the first day of March after the assessment, shall be due on the second day of January, May and September next after the said government tax becomes due or be paid, or when the spirits are removed from the warehouse; and the taxes on each year's assessment shall bear legal interest until paid.

§ 7. Every owner or proprietor of a bonded warehouse in which distilled spirits may be stored, as contemplated in the preceding section, shall, on the first day of January, May and September next after said government tax shall have been paid, become due, or be removed from the warehouse, make and transmit to the Auditor of Public Accounts, and the clerk of the county court in which the spirits may have been at the time of the assessment, a statement sworn to by the person whose duty it is to make the report, showing the quantity of spirits on which the government tax has been paid or has become due, and what spirits have been removed from the warehouse during the preceding four months; the years in which such spirits were assessed for taxation, and the county, city, town or taxing district in which the warehouse is situated in which the spirits were stored at the time of the assessment, and shall, at the same time, pay all taxes and interest on such spirits due the State, county, taxing district, city, or town to the officers entitled to receive the same.

§ 8. On the failure of any owner or proprietor of any such warehouse to pay the taxes and interest, within five days after the same becomes due, he shall be deemed delinquent, and a penalty of eight per cent. on each year's taxes due on the spirits shall attach, and the officer authorized

to collect such taxes shall at once cause such proceeding to be instituted for the collection of such taxes, with such interest and penalties as may be provided by law for the collection of other delinquent taxes.

§ 9. If any warehouseman or custodian of such spirits fail to make the report as required in section one of this article, the board shall ascertain the necessary facts therein required to be reported, and for this purpose should have access to the records of such warehouseman or custodian, and the same shall be assessed and taxes collected thereon, with interest and penalties, as though regularly reported.

Penalty.

§ 10. Any person whose duty it is to make the reports as herein required, who shall fail to do so, shall be deemed guilty of a misdemeanor, and, on conviction, be fined not less than one hundred nor more than five hundred dollars; and any such person who shall willfully fail to make such report with intent to evade payment of taxes, shall be guilty of a misdemeanor, and, on conviction, be fined not less than five hundred dollars nor more than one thousand dollars; and any person who shall make a false report, with the intent to evade the payment of taxes, shall be deemed guilty of false swearing and on conviction, be punished as prescribed by law for such crimes.

ARTICLE VI.

Board of Super-
visors—duties of,
etc.

§ 1. The county judge, except in counties having a city therein of the first, second, third or fourth classes, shall, at the November term of each court, appoint five intelligent, discreet housekeepers and owners of real estate residing in different portions of the county; and in counties having a city therein of the first or second class he shall appoint three additional persons from such city and from different wards thereof; and in counties having a city therein

of the third or fourth class, he shall appoint two additional persons from each city and from different wards thereof, who shall constitute the board of supervisors of tax in their respective counties.

§ 2. The clerk of the county court shall make as many copies of the order appointing such supervisors as there are supervisors appointed, and one more, and deliver same to the sheriff of the county, who shall deliver a copy to each supervisor at least twenty days before the first day of January thereafter, and make due return thereof to the clerk of the county court.

§ 3. The supervisors, before they enter upon the discharge of their duties, shall take the following oath: "You swear that you will, to the best of your ability, discharge the duties required of you as supervisor of tax, and that, in each instance where the property has not been assessed at its fair cash value, estimated at the price it would bring at a fair voluntary sale, you will increase or decrease the value, and fix the value at what you believe the property would bring at a fair voluntary sale."

§ 4. The failure to be in attendance promptly on the day fixed for the session of the board to begin shall, without a reasonable excuse, subject the person or persons so failing to a fine of not exceeding twenty-five dollars; and the vacancy or vacancies so created, or from any other cause, shall be filled by the county judge.

The said supervisors shall convene at the county seat of their respective counties on the first Monday of January of each year; at the time of their meeting it shall be the duty of the county clerk to deliver to said supervisors the assessor's book for the county, which shall be considered by the said board, in connection with other information, in ascertaining and fixing the fair cash value of property in the county, estimated at the price it would bring at a fair voluntary sale.

§ 5. The board of supervisors shall make a careful examination of the assessor's books and each individual list thereof, and may increase or decrease any list; but the board shall not reduce or raise any assessment unless the evidence be clear and unmistakable that the valuation is not a fair cash value, and shall list all property omitted by the assessor which may be subject to taxation in the county, and shall correct any errors of the assessors; and, in cases where the property has not been correctly valued, they shall fix the value thereof, and correct the assessor's book, so as to show the true value of the property, as herein provided; but should any property escape assessment by the assessors or supervisors, in whole or in part, it may be assessed as provided in section seven, article thirteen.

§ 6. The board shall continue in session at the first meeting not less than two nor more than six days in counties having a population less than twenty thousand and not containing therein a city of the first, second, third or fourth class; and in counties having a population of twenty thousand or more, and not containing therein a city of the first, second, third or fourth class, the board shall continue in session not less than two nor more than eight days; and in counties having therein a city of the first class, the board may remain in session twenty days; and in counties having therein a city of the second class, the board may remain in session fifteen days; and in counties therein having a city of the third or fourth class, the board may remain in session ten days. The clerk of the county court shall act as the clerk of the board of supervisors. He shall be allowed the same compensations for his services as a member of the board, and be paid in the same way. It shall be the duty of said clerk to make out and deliver to the sheriff a list of the names of all persons whose

property has been raised by the board of supervisors and the amount thereof.

§ 7. The sheriff shall notify all such tax payers whose lists have been increased or assessed by the board, and also notify them of the time to which the board adjourned. Notice to non-residents or infants shall be to their attorney or agent or guardian; if none in the county, by posting in some conspicuous place on the premises. The sheriff shall be allowed a reasonable compensation for his services, to be paid out of the county levy.

§ 8. The board, in re-assembling, shall hear all complaints and pass upon the assessment of all taxpayers, and for that purpose the board, in counties having therein a city of the first or second class, shall remain in session not less than one nor more than ten days, and in other counties not less than one nor more than five days. The board may summon and swear witnesses, and require them to testify. Any person who shall willfully fail to obey the summons of the board, or shall refuse to testify before it when required, shall be deemed guilty of a misdemeanor, and, on conviction, be fined not less than twenty-five nor more than one hundred dollars for each offense.

§ 9. If the board, during its session, find any property which has not been assessed, and for which they can find no owner, they shall describe and locate such property, and assess the value thereof.

§ 10. The board of supervisors shall keep a record of their proceedings, and correct the tax-books thereby. They shall annex their certificate to the tax-books that they have examined and approved the same, and the number of days they were actually engaged, and shall return the same, with the record of their proceedings, to the county clerk on or before the tenth day of February.

§ 11. The clerk shall certify to the county court the approval of the tax books, and the county court shall enter

the fact of record; also the amount due the supervisors for their services. On a presentation of a copy of the order, the Auditor shall draw his warrant on the Treasurer in favor of the assessor for the portion of his claims, as provided by law, and the amount due the supervisors and clerks for their services.

§ 12. The supervisors and clerks shall be allowed three dollars per day for each day they may be necessarily employed, to be paid one-half by the fiscal court of the county and the other half out of the State Treasury.

§ 13. Any informality or irregularity in the execution of their duties as supervisors, and any failure of duty on their part, shall not render any assessment invalid. But any taxpayer feeling himself aggrieved by the action of said board of supervisors, may appeal to the judge of the county court within ten days after the final adjournment of said board. It shall be the duty of the county attorney to appear and defend for the board.

ARTICLE VII.

Sheriff collector
of taxes—duties
of.

§ 1. The sheriff, by virtue of his office, shall be collector of all State, county and district taxes, unless the payment thereof is, by law, specially directed to be made to some other officer.

§ 2. The sheriff shall, on or before the first Monday in January next succeeding his election, and on or before the said day annually thereafter, enter into bonds, with surety, for the faithful performance of his duties. A quietus by the Auditor for the revenue tax for the preceding year shall be produced by each sheriff to the county court on or before that day, and no tax book shall be delivered to the sheriff after the first year of his term who shall fail to exhibit such quietus on or before that date. He may execute bond at any time after he receives his certificate of election up to and including the first day of January succeed-

ing his election, and it shall be the duty of the judge of the county court to hold a court at any time the sheriff may request for that purpose. The county judge shall judge of the sufficiency of the surety, and in no case shall sureties be taken who are not jointly worth, subject to execution after the payment of all their debts and liabilities, a sum equal to the aggregate amount of money, which may probably be received by the sheriff during the year succeeding the execution of the bond. The Commonwealth, the county and any taxing district shall have a lien from the date the sheriff begins to act upon the real estate of the sheriff therein secured or afterward acquired by him, which shall not be discharged until the whole amount of money collected by the sheriff, or for which he may be liable to them respectively, shall have been paid, and the same lien shall exist upon the real estate of a usurper of the office of sheriff or a *de facto* sheriff, or any person who may act as sheriff.

§ 3. On the failure of the sheriff to execute bond and qualify as hereinbefore provided, he shall forfeit his office, and the county court may appoint a sheriff to fill the ^{Vacancy—how filled.} vacancy until a sheriff is elected, or it may appoint a collector for the county of all moneys due the State and county or taxing districts authorized to be collected by the sheriff, or it may appoint a separate collector of the moneys due the State, county or any taxing district thereof during the vacancy in the office of sheriff; and in the event the county court fails for thirty days to appoint a collector of money due the State, the Auditor of Public Accounts may appoint a collector thereof. Such collectors shall, within ten days after their appointment, execute bond as required of the sheriff to be approved by the county court, and if the bond be not executed within said time, the appointment of another collector may, in like manner be made and qualified.

§ 4. No sheriff who shall forfeit his office under the preceding section, or who shall resign his office, shall be

appointed collector for the county, or elisor or deputy collector or deputy elisor; and if such appointment be made he shall receive no compensation for his services as such.

Bond.

§ 5. The bond of the sheriff or collector shall be in substance as follows: We, A. B. (sheriff or collector, as the case may be), and C. I. and E. F. his sureties, bind and oblige ourselves, jointly and severally, to the Commonwealth of Kentucky, that the said A. B (sheriff or collector as the case may be), shall faithfully perform his duties. Witness our signature this of The bond shall be executed in duplicate, one of which shall be filed and recorded in the county clerk's office and the other shall be sent to the Auditor of Public Accounts and filed in his office.

§ 6. The county court may require the sheriff to give an additional bond or bonds, with good surety, to be approved by the county court, whenever it may deem the interest of the State or county demands; and the sureties on all the bonds executed by the sheriff shall be jointly and severally liable for any default of the sheriff during the term in which said bond may be executed, whether the liability accruing before or after the execution of such bond or bonds.

§ 7. The outgoing sheriff, as soon as his successor has been qualified and his bond approved, shall immediately vacate his office, and shall make a full and complete settlement of his accounts as sheriff. On the failure of any outgoing sheriff for ten days to comply with the provisions of this section, he shall be deemed guilty of a misdemeanor, and on conviction be fined a sum not less than fifty nor more than five hundred dollars, and be liable on his bond for any default.

§ 8. If the sheriff shall die during his term of office, his sureties shall have the right to nominate a person to collect the revenue for that year, and upon their written nomination of such persons he shall be appointed by the county court, and the sureties shall remain liable to the Common-

wealth for the taxes with which their principal was charged: *Provided*, That this section shall not apply when in any case the sureties, in the opinion of the county court, are not in the aggregate worth, in property subject to execution, above their debts, the amount of the taxes with which their principal was charged.

§ 9. The sheriff shall keep his office at the county seat of the county, in a room or rooms to be provided for that purpose by the fiscal court. He shall keep an accurate account of all money received by him, showing the amount thereof, the time when and from whom received, and on what account, also of all disbursements made by him, the amount thereof, to whom paid, the time of payment, and on what account; and he shall so arrange and keep his books that the amounts received and paid on account of separate and distinct or specific appropriations will be exhibited in separate and distinct accounts. He shall balance his books on the first day of each month, so as to show the correct amount on hand belonging to each fund on the day the balance is made.

§ 10. The books of the sheriff shall at all times be open to the inspection of the Auditor of Public Accounts, the Auditor's agent, the fiscal court or any member thereof, the Commonwealth's and county attorneys or any person having an interest therein.

§ 11. It shall be the duty of the Auditor of Public Accounts to adopt a form of book-keeping for the several sheriffs and all sheriffs are required to keep their books and accounts in the manner required by the Auditor of Public Accounts; and on the failure of any sheriff to keep his books in an intelligible manner and according to the form prescribed by the Auditor of Public Accounts, and to make the entries as required by law, he shall be deemed guilty of a misdemeanor, and for each offense be fined not less than fifty nor more than two hundred dollars.

§ 12. The sheriff shall keep his office open for the collec-

tion of moneys, which he may be entitled to receive at all reasonable times, except on Sunday, and legal holidays; and, when any money is paid him, he shall immediately enter the same upon his books, and give to the person paying it a receipt therefor, specifying therein the amount and on what account the same was paid, and when paying any money he shall take a similar receipt. He shall retain the amount of tax and other public dues against any person or corporation out of any claim allowed by the Commonwealth or the fiscal court to such person, except claims allowed for attendance as a witness, notwithstanding any assignment of the same.

§ 13. The sheriff may, with the approval of the county court, appoint one or more deputies, and take bond to himself for the faithful discharge of the duties of such deputies; but in all cases the sheriff shall be liable on his bond or bonds for any misconduct or default of such deputies; any deputy may be removed at any time by the sheriff.

§ 14. The sheriff or one of his deputies shall, at least once every ninety days, between March first and November first, visit each justice's district of the county for the purpose of receiving taxes; and he shall give notice of the time and place where he will receive taxes in such districts by written or printed notices, posted at three or more public places therein, for not less than ten days before the day designated for that purpose.

Taxes—when due.

§ 15. All State, county and district taxes, except as otherwise specially provided, shall be due and payable on and after the first day of March after the assessment; and the sheriff or collector of the State revenue in each county of this Commonwealth shall, on the first day of May, June, July, August, September, October, November and December, under oath, report to the Auditor of Public Accounts the amount of taxes he has collected, and pay the same immediately, and shall account for and pay all taxes for which he is bound, into the State treasury by the first day

of December in each year; and upon his failing to do so, he and his sureties shall be liable therefor, and shall be proceeded against at the first term thereafter of the Franklin circuit court. Any person or persons failing to pay their taxes by the first day of December in the year following the assessment for such taxes, shall pay six per centum additional on the tax so due and unpaid. Any sheriff who shall fail to report as herein required shall be liable to indictment in the Franklin circuit court, and fined not less than one hundred dollars, nor more than five hundred dollars for each offense; and it shall be the duty of the Auditor to report to the grand jury of Franklin county, at the next term of said court after such failure to report, the name of such sheriff so failing to report. The sheriff shall be required by the Auditor to pay a penalty of six per centum on all taxes due and unpaid by him on the first day of January in each year. The Auditor, in his settlement with the sheriff, shall charge him with the several penalties accruing under the provisions of this act.

§ 16. No sheriff shall be concerned or interested, directly or indirectly, in the construction of any public works or improvements made or undertaken, in which the county shall be directly or indirectly interested, or on which he may be required to pay money, nor speculate in any claim against the State or county. Any sheriff violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined a sum not less than five hundred dollars, and not more than two thousand dollars for each offense.

§ 17. It shall be unlawful for any sheriff to apply or use any money received by him for any purpose than that for which such money shall have been paid or collected; every such misapplication shall be deemed a misdemeanor, and, on conviction, the sheriff shall be fined not less than one hundred nor more than five hundred dollars for each offense.

<sup>Settlement of ac-
counts due coun-
ty.</sup> § 18. Each sheriff shall, when required by the fiscal court, settle his accounts of county or district taxes; and at the regular October term of each year the fiscal court shall appoint some competent person to settle the accounts of the sheriff of money due the county or district. The report of such settlement shall be filed in the county clerk's office, and be subject to exceptions by the sheriff or county attorney, who shall represent the Commonwealth and county, and the county court shall try and determine such exceptions. An appeal may be prosecuted by either party from the judgment of the county court on such settlement, in the same manner as provided by law for appeals from judgments of the quarterly court, except that the county attorney should not be required to give an appeal bond, or actions may be instituted in any court of competent jurisdiction to correct the settlement; and the settlement, when approved, shall be recorded in the county clerk's office.

<sup>Annual report of
sheriff.</sup> § 19. The sheriff or collector of the State and county revenue of each county of this Commonwealth, shall on the first day of May, June, July, August, September, October, November and December in each year, report under oath, to the county court of his county, the amount of State and county taxes he has collected, together with all fines, forfeitures or money, or any other account that shall have been received or collected by him, showing in said report, the amount collected for and belonging to each particular fund, for which such revenue or money may be intended. Said report shall be filed and recorded in a separate book furnished by the county clerk for that purpose, which shall be open for inspection in the office of the county clerk. The sheriff or collector shall be required by the fiscal court to pay a penalty of six per centum on the amount of all taxes levied by the said court that shall be uncollected, if collectible or if collected, shall not have been paid by him on proper demand to the parties or funds entitled thereto, on the first day of January in each year after he was re-

quired to collect such taxes, which penalty shall inure to the benefit of the county. And if the sheriff or collector shall, without reasonable excuse, fail to pay to the person entitled thereto upon proper demand of each person, his agent or attorney, the amount due upon any claim allowed by the fiscal court, and payable out of taxes levied by the fiscal court, if collected or collectible by him, he and his sureties on his county revenue bond shall be liable therefor, together with a penalty of fifteen per centum of the amount of such claim which shall be recoverable by the person entitled thereto, or his personal representative, in any court having jurisdiction of the subject matter. Any sheriff or collector who shall fail to report as herein required shall be liable to indictment in the county of his residence, and fined not less than one hundred dollars nor more than five hundred dollars for each offense.

§ 20. The sheriff from and after the first day of March in each year, shall collect the taxes due in his county, and upon failure by the persons bound therefor to pay the same, may distrain the goods and chattels owned by or in the rightful possession of the persons from whom the tax is due, notwithstanding the existence of any lien upon the same; and may proceed to sell the title of such person in so much thereof as will pay the tax due and all costs, in the mode prescribed by law. Sheriffs shall be allowed by the Auditor the following commission upon the sums collected and accounted for or paid into the treasury in each year. Upon the first five thousand dollars, ten per cent., and upon the residue four per cent: *Provided*, That in no case shall the aggregate annual compensation of the sheriff for official services exceed five thousand dollars, independent of the compensation of legally authorized deputies and assistants.

§ 21. The sheriff, before he makes a levy for taxes, shall demand the same from the person from whom the tax is due, if resident of and in the county, and tender a receipt therefor if it be required, in which he shall specify the taxa-

ble estate with which such person is charged, the value and amount thereof, and the tax due. If he shall distrain before the demand, if the tax payer is a resident of and in the county and before he tenders the receipt if it be required, he will forfeit and pay to the person aggrieved double the amount of such tax, and such damages as he may sustain, to be recovered by action in his own name: *Provided, however,* He may distrain without the demand after the first day of July of the year for which the tax is due. And, provided, further, That if the sheriff has reasonable grounds to believe that the person from whom the tax is due is about to remove his property from the county, or to conceal the same, he may distrain at any time without the demand.

§ 22. The sheriff shall, after having advertised at the court house door the time and place of sale for at least ten days, sell at public auction, for money, so much of the property levied on for taxes as will pay the tax and costs. If the sheriff make illegal or unreasonable seizure and levy for taxes, he shall be liable in damages to the party aggrieved.

When sheriff
may sell real es-
tate.

§ 23. If there be no personal property that the sheriff or tax collector can distrain for taxes due, and the same shall not be paid by the first day of July, the sheriff or tax collector shall sell for cash any real estate belonging to or enlisted by such delinquent taxpayer, or as much thereof as will pay the taxes due and his commission, in the same manner that lands are sold under execution, except that the land shall not be valued or levied on, and shall be advertised by posting, for fifteen days before the sale, a written or printed notice at the court house door, and by publication once a week for four weeks prior to the day of sale in a newspaper of general circulation, if there be one in the county; if not, then by printed hand bills posted for fifteen days before the sale at the court house door and in three or more conspicuous places in the tax district; and he

shall, not less than fifteen days before the sale, mail to the delinquent a postal card addressed to his place of residence or place of business, if such can be ascertained, notifying him of the time and place of the sale; and in order to cover the cost of such advertisement and notification, the sheriff shall have two dollars for each person whose property is advertised, to be paid by the delinquent, but in no event to be paid by the State.

§ 24. If no one will bid for and purchase such land at the amount of tax, the charges due and the cost of sale, including the cost of advertising, it shall be the duty of the sheriff or collector to purchase the same for the State of Kentucky, for the amount of tax due and the commission thereon, and shall make return to the county clerk, who shall record the same in a book kept for that purpose, and the clerk shall certify the same to the Auditor of Public Accounts, and the sheriff or tax collector shall have a credit for the same in his settlement with the Auditor. The clerk shall have a fee of twenty-five cents for making such entry. The owner of such real estate, his representatives, heirs or assigns, shall have the right to redeem the same from the State, or any other purchaser at any time within two years after the day of sale, by paying the purchase money, with interest at the rate of thirty per cent. per annum, and in addition, fifteen per cent. upon the total amount of the purchase price and the amount of the clerk's costs if any. The State shall have the right of possession of lands purchased by it at any time after the expiration of thirty days from the giving of the notice provided for in the next section, and the purchaser, other than the State, shall have the right of possession of the lands purchased by him at any time after the expiration of six months from the giving of the notice provided for in the next section. In the redemption of lands sold to the State for delinquent taxes at any time within the period of two years after the sale, or until the revenue agent, under the

direction of the Auditor, assumes charge of the collection by sale or otherwise, the county clerk is hereby vested with the authority to collect such delinquent taxes, interest and penalties as prescribed by law, and he shall make report thereof to the Auditor as often as the latter officer may require, and not less than once in every thirty days; and he shall pay into the treasury all moneys collected by him as herein authorized on the first day of every month, and oftener if required by the Auditor. Said report of the county clerk, showing the name of each owner and each piece of property redeemed, the year's taxes for which delinquent, the assessed valuation of the same for each year, and a total amount paid the State for the redemption, shall be examined, by the judge of the county court, and if found correct, certified to the Auditor, together with the total sum due the State as shown on said report, less five per cent. commission for the collection, which shall go to the county clerk.

§ 25. It shall be the duty of the county attorney for each county, within fifty days after sale, to notify the owner of land purchased by the State of such purpose; and if the land so purchased be not redeemed within thirty days from such notification, he shall institute proceedings for the recovery of possession of such land; and if such land be redeemed after such proceedings are instituted the owner shall, in addition, pay the costs of such proceeding. The failure of the county attorney to give such notice and institute such proceedings within the time specified shall subject him to a fine of twenty dollars for each offense; and it is hereby made the duty of the county judge to report each and every such failure to the circuit court at its next term thereafter, whereupon the circuit judge shall cause to issue a rule against said county attorney to show cause, if any, why said fines shall not be entered up against him; and such fine, when collected, shall be for the benefit of the State. In every case where such lands are redeemed

from the State, at any time within the period of two years allowed for redemption, the county attorney shall have as his commission, when he attends to his duties, twenty per cent. of the amount of the money paid to redeem such land; but if he shall fail to attend to such duties he shall receive no commission, and the whole of the redemption money shall belong to the State. It shall be the duty of the purchaser other than the State, within fifty days after the sale, to give notice in writing to the owner of the land purchased by him of such purchase, and if such land be not redeemed within six months after such notice, he may institute proceedings for the recovery of the possession of such land.

§ 26. If the land be not redeemed within the two years allowed for that purpose, the fee-simple title shall vest absolutely in the State; and if said lands purchased by individuals be not redeemed within the two years allowed for that purpose, the fee-simple title shall at once vest in such individual. The revenue agent, under the direction of the Auditor, may, after the two years for redemption has expired, advertise and sell at public sale any of said lands forfeited to the State, and the Auditor may convey said lands by deed to the purchaser. The revenue agent shall be allowed fifteen per cent. for the collection and payment into the treasury of said delinquent taxes, the fifteen per cent. to be collected from the delinquent or purchaser, as well as the fee for advertising.

§ 27. Any one injured by a failure in, or the improper performance of, the duties of the assessor or sheriff, shall have a remedy on his official bond, and the criterion of his recovery shall be the value of the property lost by reason of such failure. No such action shall be maintained unless such person shall allege and prove that he made diligent efforts to have such property assessed, and offered to pay the tax thereon, and on all other real property of his liable to assessment.

§ 28: Any minor, or other person laboring under legal disability, except a lunatic or married woman, at the date of sale, shall have one year after the removal of the disability within which to redeem such property, which may be done by paying the purchase money, with fifteen per centum on the amount thereof, and interest at the rate of ten per cent. per annum from the date of the sale, and the costs of the sale. But any purchaser, other than the State, shall forfeit his right to his purchase, unless within six months after the sheriff shall have delivered to him a certificate of his purchase hereinafter provided for, he shall, in writing, give notice of his purchase to both husband and wife, in case the purchase be of land of a married woman; or to the statutory guardian of an infant, if there be one; if not, to the parent; if none, to the persons having in charge such infant, if the purchase be of the land of an infant; or to the committee of the lunatic, if one; if none, then to the person having charge of such lunatic, if the purchase be of the land of a lunatic. If the lands of a lunatic or married woman be not redeemed within five years from the reception of the notice, the sale shall become absolute.

§ 29. If, after receiving such notice, the guardian of an infant or committee of a lunatic fail to redeem such lands, he shall be liable on his official bond for all damages incident to such failure.

§ 30. The sheriff shall, within thirty days after the sale, give certificates of purchase describing the land, and stating the time of sale and the price for which said land sold, to all purchasers of land; and in all cases where the purchaser of such lands is the State, the sheriff shall, within six months, give the notice required by section twenty-eight of article seven of this chapter; and for a failure on his part to do so, he shall be liable on his official bond for all damages incident thereto, but the title of the State shall not be thereby affected; but if the owner of land purchased can not be found, then the notices required by sec-

tions twenty-five and twenty-eight of article seven of this chapter shall be served as follows, viz: First, upon any member of his family in the county over sixteen years of age; if none, then, second, upon his agent, if any, in the county, and if none then, third, by a printed or written notice, posted at or near the court house door, and on or near the premises.

§ 31. When the right to redeem shall have expired, the sheriff then in office shall convey to the purchaser the property described in his certificate of purchase, for which deed he shall be allowed a fee of one dollar, to be paid by the grantee in the deed.

§ 32. If the purchaser be the State, the land may be redeemed for an infant at any time during the infancy, and by him within one year after his maturity, by paying the amount necessary to the county clerk, who shall enter upon the book mentioned in section thirty-four of article seven of this chapter the word "redeemed" after the description of the land, and shall sign his name, in his official capacity, to said entry. The lands of a married woman or lunatic may be redeemed at any time within the period mentioned in section four thousand one hundred and fifty-six, in the same manner.

§ 33. If the purchaser be a non-resident of the county, having no known agent in the county, or if, being a resident he can not be found at his usual place of abode, the lands may be redeemed within the time and in the manner stated in the last preceding section; but if he be a resident of the county, and can be found at his usual place of abode, or if he, being a non-resident has a known agent, who can be found at his usual place of abode, the redemption money must be paid to the purchaser or his agent, as the case may be; and in every case the certificate of purchase shall be surrendered to the party redeeming, who shall, by exhibiting the same to the county clerk, be entitled to have

the claim released of record, as in the last preceding section described.

§ 34. Within twenty days after the sale the sheriff shall, in his official capacity, make report, in writing, to the county clerk, showing when the sale was made, the steps taken by him with reference thereto prior to and at the sale, to whom, for what price the land was sold, giving a description of the land sold as fully as he is able to do, which report shall be recorded and indexed by the county clerk in a book to be provided by him for that purpose. The sheriff shall at once notify the county attorney of the filing of said report. Said report, when recorded shall operate as a conveyance and vest the title to the property of all persons "*sui juris*" in the State when purchased by the State, and shall be constructive notice to the world of the claim existing in favor of the purchaser, whether the State or an individual against the land of persons laboring under no legal disability. If the sheriff shall fail to make said report, he shall be subject to indictment in the circuit court, and, upon conviction, shall be fined not less than five hundred nor more than one thousand dollars; but the title of the State shall not thereby be affected, and said report may be afterwards filed and recorded with the same effect as if filed and recorded at the proper time.

§ 35. If the sheriff fails to make the return of sale to the county clerk heretofore provided for, any individual purchaser may file with the county clerk the sheriff's certificate of purchase which the clerk shall record and index in the book aforesaid, and the same shall have the same effect as the sheriff's report would have had if returned.

§ 36. Copies of the records aforesaid, certified by the county clerk, shall be evidence of the facts stated in them in all the courts of this Commonwealth.

§ 37. If any clerk shall fail to pay the redemption money to the person entitled thereto upon demand, he and his sureties shall be liable for the same and twenty per cent.

interest thereon annually from the time he received it until paid.

§ 38. The clerk shall be allowed for his services under the foregoing one cent for each line of the book employed in recording the report, and he shall be paid thirty cents by the delinquent who redeems property for each release made by the clerk.

§ 39. If any sheriff shall knowingly sell the same tract or parcel of land more than once, he shall be fined one hundred dollars, and be liable upon his official bond for all damages which may be sustained by any party aggrieved.

§ 40. In all cases where only a portion of the tax is collected on State, county or district tax, the amount recovered shall be by the sheriff apportioned between the State, county or district in the same proportion the amount due to each bears to the amount recovered.

ARTICLE VIII. .

§ 1. On the return of "no property found," on an execution issued upon a judgment in favor of the Commonwealth, the Auditor of Public Accounts may cause equitable proceedings to be instituted in the Franklin circuit court, or any other court of competent jurisdiction, as he may elect, in the name of the Commonwealth, and the choses in action, or other equitable estate of the delinquent, shall be subjected to the payment of the amount due on any such execution. It shall be the duty of the Attorney-general, or of the Commonwealth's attorney of the district in which said action is instituted, if instituted in other than the circuit court of Franklin county, to prosecute all such suits for the State; but no action shall be maintained under the provisions of this section when the last execution issued has been returned "no property found" more than ten years before the institution of such suit.

Execution re-
turned "no prop-
erty found," Aud-
itor may institute
proceedings, etc.

§ 2. All persons or corporation against whom an execu-

tion has been returned "no property found," and upon which an equitable action is instituted, as provided in the preceding section, shall be liable for and pay a penalty of twenty per cent. on the amount due on such execution, which penalty may be recovered in such equitable action, with the amount due on the execution; and the Attorney-general or Commonwealth's attorney who prosecutes such action and recovers the tax due the Commonwealth shall be entitled to the said penalty, or so much thereof as may be recovered.

§ 3. Suits and motions against sheriffs, clerks, or against them in their securities on their official bonds, or their heirs, devisees or representatives, and all other persons required to pay money into the State treasury, or to do any other act required by law to be done connected with the payment of money into the State treasury after it has been collected, may be instituted in the Franklin circuit court, and prosecuted as prescribed by law.

§ 4. The Auditor shall, twenty days before the first day of the term of court, mail to any of the parties named in the preceding section who may be liable, directed to them at the postoffice at the court house of the county of the person aforesaid, a notice, in writing, stating the amount judgment will be asked for, and the time the court will be held. The Auditor shall file a copy of this notice, with the name of the person to whom sent, the time when, and the place where sent, with the clerk of the court, to be filed by him and kept with the papers in the motion or action.

§ 5. The court, without further or other notice to the parties, shall proceed with the motion or action, which shall be docketed for trial on the third day of the term. The Auditor shall file with the clerk of the court a memorandum, in writing, of the name of the parties, the amount due from each defaulter against whom judgment is demanded, and also a copy of the bond, if any. The clerk shall

docket said motion or action in the order in which the names stand on the said memorandum.

§ 6. Judgments, when given against the defendants, in the cases referred to in the preceding sections, shall be for the principal due, with interest at the rate of ten per centum per annum from the time the amount was due until paid.

§ 7. If any of the defendants shall, upon oath, deny the execution of the bonds or instrument whereby they are sought to be made liable, a jury, if required, shall be impaneled to try the facts. All other facts may be tried by the court. Nothing but a receipt from the treasurer for the payment of the taxes or money claimed shall be admitted on the trial, except orders of court and receipts in pursuance thereof, the record of the Auditor's and Treasurer's departments and delinquent list. No tender of payment nor any offset shall be pleaded or given in evidence.

§ 8. Judgments in the name of the Commonwealth or county against sheriffs and other public collectors, their sureties, or their heirs, devisees, or personal representatives of any of them, shall bind the estate, legal or equitable, of all the defendants to said judgments from the commencement of the action or motion till satisfied. No execution thereon shall be stayed by replevin or sale on credit; but in all such cases the estate taken in execution shall be sold for money: Provided, The Auditor is allowed with consent of the Attorney-general, to indorse the right of replevy on the execution where the tax is payable to the Auditor; and like privilege is given to the sheriff, with the consent of the county attorney, when the taxes are payable to the sheriff.

§ 9. If any officer shall make a false return on such execution, he shall be fined twenty dollars upon notice and motion, and be subjected to the payment of the whole amount of said execution and costs.

§ 10. Officers and their deputies failing to levy executions in the name of the Commonwealth or county, or with-

holding any such executions, and not making return thereof for one month after the return day, or failing to pay the money when collected, shall, together with their sureties, be liable for the amount of said execution, and twenty per cent. damages thereon, to be recovered by action or motion in the name of the Commonwealth by the county attorney.

§ 11. When the estate of the defendant in execution, upon judgment against defaulting public officers, is encumbered by a previous *bona fide* mortgage, deed of trust or the encumbrance or prior lien, the officer shall, if no other property be found upon which to levy the execution, levy it upon the encumbered property and return the same, and shall make return of all the facts known to him, or of which he is informed, giving the date and consideration of such deed, to whom made, when recorded, the evidences of any prior lien, and the names of the parties who claim the same. The sheriff or Auditor in the name of the Commonwealth in the county where the property is situated, for a sale of the property, and to have the claims and demands, if just, satisfied, and all encumbrances removed, and the proceeds of the sale of the estate rightfully applied.

§ 12. If any person shall attempt to stop or injure the sale of estate under execution by any fraudulent execution, conveyance, encumbrance, or otherwise, he shall be fined not less than five hundred dollars,

§ 13. If return be made on executions against a sheriff or other public defaulters to the State and their securities, that there was no sale of personal property for the want of bidders, the Auditor may direct the estate levied upon to be removed from the county to county for sale, as often as may be necessary, the cost of removal to be paid out of the sale of the estate as other costs; and the officer who levied the execution shall have power to sell the same in any county to which the estate may be removed. If real estate be levied upon, the place of sale may be changed to another county, and the officer shall have the same power and au-

thority to sell and convey said estate which he had in the county where the levy was made.

§ 14. The Franklin circuit court and circuit court of the county shall have jurisdictions of all motions and actions in law or equity necessary to be instituted by the Auditor to enable him to collect the public revenue and other demands and penalties due the Commonwealth, or to have satisfaction made of judgments in favor of the Commonwealth.

§ 15. The Commonwealth, at the instance of the Auditor, may have executions in the hands of collecting officers in any number of counties at the same time.

ARTICLE IX.

§ 1. If the sheriff, his deputy, or other persons having revenue, county levy, or other taxes of any character, or other public dues, in his hands for collection, believes another person to be indebted in money or property to the person owing taxes or public dues, and believes he can not otherwise collect the tax, he shall deliver, or cause to be delivered, to the person owing the taxes or public dues, and to the person owing him, anywhere he may be found, written notice in substance as follows: "Mr. A B, the taxes due by C D amount to the sum of \$..... cents. To that extent you are notified not to pay or deliver to him any money or property which you now owe, or may hereafter be indebted to him, and to appear before the county court of county, on the first day of its next term, to show cause why you should not be adjudged to pay said taxes. This day of nineteen.....

Collection of
taxes—sheriff to
give notice, etc.

..... Sheriff."

§ 2. This notice shall be signed by the sheriff, his deputy, or by the collector, and shall operate to enjoin the person named in it from paying the amount mentioned in the notice, money, property, notes, accounts and other things of

value; owing at the time of the service of the notice, or accruing thereafter, until the matter is heard by the county court. On the hearing by the county court, the debtor of the delinquent shall be compelled to disclose, in open court, all matters of account and indebtedness, whether of money, property, or labor, owing at the date of the notice or incurred thereafter. The court shall direct the said debtor to pay or deliver to the sheriff or collector any money, property or other thing then, or at the time notice was served, due said delinquent, or to the extent of such taxes and costs, or to the extent of his liability, including such as accrued after notice, though paid or discharged; and if it be property, the sheriff shall sell the same, after advertising by hand bill posted at the court house door for ten days. If the person so indebted to the person owing taxes fail to attend, or fail to make disclosure, the court shall render judgment against them for all the taxes.

The person owing taxes shall not be discharged from liability for them until they are fully paid, or the amount realized under the proceedings aforesaid.

§ 3. All persons indebted to the person owing the taxes may be included in the same notice, though residing out of the county of the sheriff or collector.

§ 4. The proceedings shall be docketed in the name of the Commonwealth, and, if necessary to the interest of the Commonwealth, the court may cause other parties to be brought in before it, and made party to the proceeding.

§ 5. The court may hear evidence, and, in its judgment, shall provide for the payment of the State revenue, the county levy due, and, if there be other taxes due, the court shall direct the payment thereof, provided that the delinquent shall have the right to defend by showing, first, that the property has never been assessed, but it shall not be sufficient to show a defective assessment merely; second, that the property is not subject to taxation; third, that the taxes have been paid.

ARTICLE X.

SUBDIVISION I.

§ 1. All license, except as otherwise specially provided, shall be granted by the clerk of the county court of the county in which the business is proposed to be conducted, and shall be issued in writing and on blank form, with stubs and duplicates attached to each, to be numbered consecutively, and to be prepared by the Auditor of Public Accounts and furnished to each county clerk, from time to time, as may be necessary for use in his office.

Licenses, form of,
etc.

The following shall be the form of license, duplicates and stubs, as herein required:

Stub No..... \$.....

License issued to, by which is authorized to, until the day of, 19.... Amount of tax \$..... Issued this day of, 19....

Clerk County Court.

..... Perforated line.....

Duplicate No..... \$.....

This is to certify, that on the ... day of, 19...., license was granted to, by which was authorized to until the day of, 19...., on the payment of \$..... to me.

This, the day of, 19....

Clerk County Court.

..... Perforated line.....

Original No.....

This is to certify, that on the day of, 19...., license was granted to, by which is authorized to until the day of, 19....

This the day of, 19....

Clerk County Court.

§2. License shall not confer any authority on any person to engage in the business or sell the article named in the license on Sunday, or on any other day on which the law may prohibit the business or sale.

When license
not to be grant-
ed.

§3. No person shall be granted any license to conduct any business or sell any article for which a license tax is required, who has engaged in such business, or has sold any article without license within six months next preceding the time the application is made, who will not, in addition to the regular license tax pay a sum equal to twenty per cent. thereof; nor shall license be granted to any person who refuses to answer, under oath, which shall be administered by the clerk at the time the application is made, or his agent have within six months next before the time of the application been guilty of engaging in such business, or selling such articles without license therefor and any person making a false statement on such examination shall be deemed guilty of false swearing.

§4. The Auditor of Public Accounts shall keep a strict account against each county clerk of the blank licenses furnished them respectively, and it shall be the duty of each clerk, when he shall have used all the blanks furnished by the Auditor at any one time to transmit to the Auditor all stubs of such blanks; and, on the retirement from office of any county clerk, he shall transmit to the Auditor all blanks not used by him together with all stubs of blanks which have been used.

§5. When such license is granted the county clerk shall fill up the original stub. The original he shall deliver to the person to whom it is granted, and shall, within two days thereafter forward the duplicate to the Auditor of Public Accounts who shall charge the amount of the tax to him, and the clerk shall, once in each month, pay the license tax collected in to the State treasury; and said clerk, as compensation for his services, shall be allowed

five per cent. commission on all license tax collected and accounted for by him.

§ 6. No clerk shall issue any license except on blanks furnished to him by the Auditor of Public Accounts and under the seal of the court; nor shall any license be granted for a longer term than one year, nor for a less period, except as hereinafter provided; nor shall any license be transferable, except as provided herein.

§ 7. No license shall be valid or confer any authority unless the same be issued on blanks furnished for that purpose by the Auditor of Public Accounts.

§ 8. All applicants for license except peddlers shall state the county, city, town and place therein where it is proposed to carry on the business, and all licenses, except to peddlers, shall specify the place where the business is to be conducted, and no one but the person named in the license shall sell under or exercise the privilege granted; nor shall the privilege granted be exercised at any other place than that mentioned in the license, except that retail dealers in spirituous, vinous or malt liquors, in any incorporated city or town, may remove their place of business to some other place in the same city or town, by the consent of the county court and municipal authorities of such town or city, entered of record and indorsed on the license. But before making the motion for the consent for the removal the applicant must give notice of the motion, as required, before the license is granted. But when the place is once changed, the party shall not be allowed to change the location a second time, or sell at the original place without first procuring a license. Whenever any person to whom the license has been granted, and who has paid the tax thereon, shall die, or sell his stock or place of business before the expiration of the license, the authorities by which such license was originally granted may renew the license to the personal representative or widow of the deceased, or purchaser of the stock or place of business,

Application for
license—what to
state.

without the payment of any additional tax for the unexpired period. The application for the renewal and the granting thereof shall be in the same way, and be subject to the same conditions as original license, except that the renewal, when granted, shall be indorsed on the license as originally granted.

§ 9. Selling, bartering or loaning liquors in quantities of less than five gallons shall be deemed retailing.

§ 10. All license granted by the county court shall be issued by the county clerk for which he shall be entitled to the same fees as in cases where he is authorized to grant the license.

§ 11. Any person who shall engage in any business, or sell or offer to sell, any article on which a license is required, before procuring the license and paying the tax thereon as required by law, shall be deemed guilty of a misdemeanor, and, on conviction, be fined not less than fifty nor more than one thousand dollars for each offense unless otherwise specially provided.

§ 12. Any county clerk who shall violate any provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction, be fined not less than fifty nor more than one thousand dollars for each offense.

SUBDIVISION II.

Spirituos liq-
uors, etc.

§ 13. All licenses mentioned in this article except licenses to sell by retail spirituous, vinous or malt liquors, shall be granted by the county clerk; and license to sell by retail spirituous, vinous or malt liquors shall be granted by the county court; but the county court shall not grant a license to sell spirituous, vinous or malt liquors until ten days notice shall be given by posting a written or printed notice at the door of the court house, and at least at four public places in the neighborhood where the liquor is to be sold; and if the majority of the legal voters in the neigh-

borhood shall protest against the application it shall be refused. The county court in each instance shall determine what constitutes the neighborhood. Nor shall such license be granted to any person of bad character, or who does not keep an orderly, law-abiding house.

§ 14. It shall be unlawful for any person to whom a license is granted as contemplated in this subdivision, to suffer any gaming, scandals or disorderly conduct in their houses or on their premises, or to furnish any liquor to any person who is drunk, or who is a known inebriate, or who is under twenty-one years of age, or to sell any liquor on Sunday, or any other day the law may prohibit the sale thereof; and on trial of any person by the county court on a proceeding to cancel license, the fact that a person was in a state of intoxication in a house where a liquor is sold shall be *prima facie* evidence that he was furnished liquor while drunk by the proprietor of the house.

§ 15. License to merchants, druggists or distillers shall be granted only upon satisfactory evidence that the applicant is in good faith a merchant druggist or a distiller, and that the applicant has not assumed the name or the business for the purpose of retailing liquors; and such license shall only authorize the person to sell the liquor named in the license in quantities not less than a quart, and to be taken off and not drunk on the premises where sold, or adjacent thereto, except druggists may retail in quantities less than a quart for medicinal purposes only, on the prescription of a regular practicing physician.

§ 16. License to keep a tavern outside of an incorporated city or town shall be granted only to persons who are prepared with houses, bedding, stabling and provender sufficient to accommodate the public, and shall not be granted to any one unless the keeping of a tavern at the place proposed is necessary for the accommodation of the public, nor until the applicant shall take an oath, in open court, that

*License to keep
tavern, etc.*

he in good faith intends to keep tavern for the accommodation of the public.

§ 17. Every person who shall obtain a license to keep a tavern, with the privilege of retailing liquors, shall, at the time the same is granted enter into bond, with good surety, payable to the Commonwealth, to be approved by the county court, in substance as follows:

"Whereas, A. B. has been granted license to keep a tavern at, in, county; now we, A. B., principal, and C. D., his surety, do hereby covenant to and with the Commonwealth of Kentucky, that the said A. B. shall continually provide said tavern with good, wholesome, cleanly lodging and diet for the patrons thereof, and stabling and provender for horses and mules, during the period that the license remains in force; and that he will not suffer any gaming, scandalous or disorderly behavior in his house; and that he will not sell or give any liquor to any person who may be drunk, or to any person who is a known inebriate or who is under twenty-one years old. The provision as to providing stabling and provender for horses and mules shall only apply to taverns to be kept outside of an incorporated city or town, and in towns of the sixth class. Given under my hand this day of, 19....

.....
§ 18. Any tavern keeper who shall violate the provisions of his bond, or any tavern keeper, merchant, distillery or druggist who shall violate any provision of this article, shall forfeit his license; and when the county attorney shall have reasonable grounds to believe either upon his own knowledge or from the oath of two credible witnesses of such violation, he shall notify the alleged offender to appear before the next term of the county court, commanding not latter than five days after the services of the notice to show cause why his license should not be cancel-

ed. On the trial of the case, court shall enter an order cancelling the license or acquit the defendant, as the proof may authorize.

§ 19. Any person who shall sell any liquor after his license has been cancelled, until such order be reversed or set aside, shall be deemed guilty of selling without license, and, on conviction, be punished accordingly.

§ 20. The county attorney shall prosecute all cases arising under the provision of this article; and in cases in which the license is cancelled he shall be allowed a fee of ten dollars, to be taxed as cost against the defendant in each court in which the case may be tried.

§ 21. An appeal may be prosecuted by the county attorney or the defendant to the circuit court from any decision of the county court under this article; but the order of the county court shall not be suspended until reversed by the circuit court. Where the appeal is taken by the county attorney, an appeal bond shall not be required.

§ 22. In such cases the court shall be the judge of the law and the facts, and no jury shall be required.

§ 23. Any person whose license has been canceled shall not be granted another license for twelve months thereafter.

§ 24. License to sell liquor in quantities less than a quart outside of an incorporated city or town, shall not be granted to any person except a licensed tavern keeper, or to a druggist, to sell for medical purposes only, on prescription of a regular practicing physician.

SUBDIVISION III.

§ 25. Before engaging in any occupation, or selling any article named in this subdivision three of article ten of this act, the person desiring to do so shall procure license and pay the tax thereon as follows:

Fixing license fees, etc.

To keep a tavern or hotel, ten dollars.

To keep a tavern or hotel with privilege of selling by retail malt liquors, sixty dollars.

To keep a tavern or hotel with privilege of selling by retail spirituous and vinous liquors, one hundred and ten dollars.

To keep a tavern or hotel with privilege of selling by retail spirituous, vinous and malt liquors, two hundred and thirty-five dollars.

To retail malt liquors, fifty dollars.

To retail spirituous and vinous liquors, one hundred dollars.

To retail spirituous, vinous and malt liquors, one hundred and fifty dollars.

To selling by retail, playing cards, ten dollars.

To selling by retail pistols, one hundred dollars.

To selling by retail bowie knives, dirks, brass knucks or slung shots, one hundred dollars.

To engage in the business of a pawnbroker, five hundred dollars.

That all resident or foreign trading stamp companies or corporations doing business in this State shall annually pay a license tax to the county court clerk of each county wherein such business is conducted, ten dollars.

A trading stamp company is defined to be a company that gives premiums of valuable personal property in exchange for stamps or checks furnished to purchasers of merchandise.

§ 26. To the keeper of a nine pin or ten pin or bowling alley for the use of which a price is charged, fifty dollars if the population of the county exceeds twenty-five thousand; if under that number twenty-five dollars, and the same rate for each alley or ballway.

§ 27. To persons who are distillers of spirituous liquors in good faith, to retail spirituous liquors of their own manufacture at their distillery, residence or own ware-

house, but shall only sell at one of said places, and that must be named and designated in the license, in quantities of not less than one quart, the liquor not to be drunk on the premises, or adjacent thereto, one hundred dollars.

§ 28. To persons who are manufacturers of vinous liquors in good faith, and distillers of peach and apple brandy, to retail liquors of their own manufacture at the place of manufacture or distillery, in quantities not less than a quart, and not to be drunk on the premises, or adjacent thereto, fifty dollars.

§ 29. To persons who are merchants in good faith, engaged in carrying on a *bona fide* mercantile business other than the sale of liquor by retail, to retail spirituous liquors at their store houses in quantities not less than a quart, not to be drunk on the premises, or adjacent thereto one hundred dollars.

§ 30. To persons who are druggists in good faith, to retail spirituous and vinous liquors at the drug stores in quantities not less than a quart, the liquor not to be drunk on the premises, or adjacent thereto, and to sell in quantities less than a quart, for medicinal purposes only, on the prescription of a regular practicing physician, seventy-five dollars.

§ 31. Circuses, menageries and other exhibitions displayed under canvas, one dollar for each one hundred voters of the county in which the exhibition is given, and the same amount for each separate exhibition to which an admission fee is charged, but the whole amount of the tax shall not exceed fifty dollars for each exhibition; and each side show, where a separate fee is charged, shall pay a tax equal to one-half the amount of tax paid by the main circus or principal performance.

§ 32. That all corporations, associations, co-partnerships or other persons owning or operating a tobacco factory in this State whereby the natural leaf is converted by pro-

cess of manufacture into a manufactured product, including cigars and cigarettes shall pay a license tax therefor.

On the manufactured product (except cigarettes) of each factory, one dollar on the marketable value of each one thousand dollars of such manufactured product up to one hundred thousand dollars of such product, and fifty cents on each one thousand dollars of the marketable value on all in excess of the first one hundred thousand dollars.

On manufacturers of cigarettes, two dollars and fifty cents on each one thousand dollars of marketable value of such cigarettes.

It shall be the duty of the president, secretary, cashier, manager or general officer or owner of each of such factories at the end of six months beginning with the first day of July, one thousand nine hundred and two, and ending the thirty-first day of December, one thousand nine hundred and two, and each month thereafter or within twenty days thereafter to report to the Auditor of Public Accounts, on blanks to be furnished by him, amount of the output of such factory during said time and the marketable value of its product and pay into the State treasury the taxes thereon.

Penalty.

Any corporation, firm or association or other person liable for the taxes imposed by this section failing or refusing to make the report and pay the tax as herein specified shall be deemed guilty of a misdemeanor and upon conviction fined not less than one hundred dollars nor more than five hundred dollars for each offense, to be recovered by indictment in the Franklin circuit court. The Auditor of Public Accounts shall at all times through revenue agents or the State inspector have the right to investigate the books of any factory operated in this State for the purpose of ascertaining whether or not the proper report has been made as required by provisions of this section, and all foreign dealers refusing or failing to pay such license taxes,

shall be subject to attachment and garnishment in the name of the Commonwealth of Kentucky, without bond being required of the collecting officer.

That all foreign corporations, associations, co-partnerships, firms, or other persons, engaged in the business or occupation of owning or operating slaughter houses, packing houses or manufacturing establishments wherein live animals such as beeves, hogs, sheep, chickens, turkeys, ducks or other animal or fowls or fish is prepared or manufactured for food for man or beast, in whole or in part, and doing business in this State, or selling through brokers, jobbers, firms, traveling salesmen, or on contracts, or through mail orders to persons in this State, shall pay a license tax therefor of fifty cents on each one hundred dollars of the gross amount received in cash or otherwise on sales made in this State.

It shall be the duty of each foreign dealer doing such business in this State to make and deliver to the Auditor of Public Accounts on the thirty-first day of December, one thousand nine hundred and two, and at the end of each six months or within twenty days thereafter a statement sworn to of the amount of the gross sales of the six months then ending and pay into the treasury the taxes due thereon. Any dealer liable for such taxes, refusing or failing to make and deliver such report and pay the taxes as herein required, shall be deemed guilty of a misdemeanor and upon conviction fined not less than five hundred or more than one thousand dollars for each offense, to be recovered by indictment in the Franklin circuit court.

To selling by retail cigarettes, or cigarette paper ten dollars per annum.

To each resident wholesale dealer or jobber of cigarettes, one hundred dollars per annum.

To each oil depot in this State, wherein petroleum, lubricating or other oils are stored in bulk or tank, ten dollars.

To selling by retail petroleum, lubricating or other oils for each wagon used in transporting or retailing such oils, five dollars.

Tobacco, cigar-
ettes, etc.

That each foreign manufacturer, wholesale dealer or jobber of manufactured tobacco, cigarettes, doing business in this State shall pay a license tax therefor of five dollars, on each one thousand dollars worth of cigarettes sold in this State, and a tax of one dollar and fifty cents on each one thousand dollars worth of manufactured tobacco other than cigarettes sold in this State, and all such foreign manufacturers, dealers or jobbers, shall be liable to all penalties imposed by law for failure to pay such taxes, and all such taxes shall be paid at the end of each six months beginning July first, one thousand nine hundred and two, and paid directly into the State treasury on report made to the Auditor.

Stud-horse, jack,
bull.

§ 33. To stand a stud-horse, jack or bull, a sum equal to the greatest sum charged for the service of the animal, whether the same be for the season or for insurance. The license for breeding stock shall expire on the thirty-first day of December after it is granted. The applicant for such license shall state, on oath, the largest amount he intends to charge, directly or indirectly, for the service of the animal, and if in property or other things, the value thereof. If any such animal be purchased or brought into the State, or from one county to another by a citizen of this State, between the first day of July and the first day of December in any year, the tax on the license until December thirty-first, after the purchase or removal, shall be in proportion to the annual tax as the time for which the license has to run bears to the whole year. All persons making application for such reduced license shall make and file with the clerk an affidavit, stating when the animal was brought into the State or another county, and the name of the owner or owners and their place of residence.

§ 34. Peddlers shall, except as hereinafter provided, pay for peddling in the entire State any of the articles on which a license tax is required by law, the following: One person with two-horse wagon, fifty dollars; one person with one-horse wagon, forty dollars; one person on horseback, thirty dollars; one person on foot, who carries on or about his person the article he proposes selling, or each person who may accompany a peddler with a wagon, twenty dollars; each person, who, under cover of a *bona fide* merchant, has come into, or taken up a temporary residence in, any county, city or town of this Commonwealth for the purpose of disposing of goods, wares or merchandise, either at auction or otherwise, and who does not carry about from place to place on his person the goods, wares or merchandise he proposes disposing of, one hundred dollars; and for each person assisting such peddler as clerk or employe, one hundred dollars. For the right to peddle in one county in this State each person applying therefor shall pay one-fourth as much as is required of such person for the whole State. The license tax of peddlers of lightning rods, and of vendors of patent rights or territory for the sale of patent rights or articles, shall be twice the amount of other license tax as provided in this section.

SUBDIVISION IV.

§ 35. All persons who are by this article deemed peddlers shall, before the sale or attempted sale of any article or right, as herein contemplated, procure and pay for license as required by law; and any peddler who shall violate the provisions of this section shall be deemed guilty of peddling without license, and punished accordingly.

§ 36. All itinerant persons vending lightning rods, patent rights, or territory for the sale, use or manufacture of patent rights, goods, wares, merchandise, clocks, watches, jewelry, gold, silver or plated ware, spectacles, drugs, nos-

Peddlers.

Lightning rods.

trums, perfumery, and any other thing not hereinafter specially exempt, shall be deemed peddlers.

*MERCHANTS WHEN
DEEMED PEDDLERS.*

§ 37. All persons who shall, under cover of *bona fide* merchants, come into, or take up a temporary residence in any county, city or town of this Commonwealth, for the purpose of disposing of any goods, wares or merchandise, either at auction or otherwise, except as hereinafter specially provided, shall also be deemed peddlers; and every such person upon applying for license shall be required to disclose, upon oath, his name and residence and the ownership of the goods, wares or merchandise he purposes disposing of, together with the names and residence of such other person or persons as may own or be in any manner interested in said goods, wares or merchandise, or on whose behalf it is purposed to dispose of same, and whether the applicant for license acts in his own right or as agent for others, and his statements shall be entered of record. And if any such person shall advertise, represent, state, or in any manner hold forth the purposed disposition of said goods, wares or merchandise as an insurance, bankrupt, assignee's or closing-out sale, or as a sale of any goods, wares or merchandise damaged by smoke, fire, water or otherwise, or shall make any similar advertisement, representation or statement, he shall be required to file his affidavit and the affidavit of at least two other persons, showing same, together with a detailed statement of all the facts regarding same; and it shall be the duty of the court before granting any license to such applicant to examine him concerning his purpose with regard to the disposition of said goods, wares or merchandise, and to ascertain whether he has made, or intends to make, any such advertisement, representation or statement concerning his purposed disposition of same. Any false statement by any applicant for license under this section shall be deemed false swearing, and any person so offending shall be punished accordingly.

§ 38. No persons shall be deemed peddlers under sections four thousand two hundred and sixteen and four thousand two hundred and seventeen of this article, for selling tinware, agricultural implements, sewing machines, portable mills, books, pamphlets, papers, meat, stoneware, or farm or garden products, nor merchants nor their agents for selling by sample, but nothing herein shall exempt itinerant persons selling agricultural implements from paying license under this law.

§ 39. County courts shall have exclusive jurisdiction to grant peddler's license. Before any such license shall be granted, the applicant shall prove in open court, by at least two credible witnesses, that the applicant is a person of good moral character, which fact, when so proven shall, with the name, age, character, weight, height, color of hair and eyes of the applicant, be entered of record; and thereupon the court shall, by its order, direct the clerk, on the payment of the fees and cost, to issue the license and affix his official seal thereto, and on the back of which he shall write the description of the person to whom the license is granted, as contained in the order, and shall attest the same.

County court to
grant peddlers' li-
cense.

§ 40. Before peddling in any other county than that in which the license is granted, the peddler shall present his license to the county clerk of such other county, who, upon being satisfied of its genuineness, shall indorse the word "genuine," and affix his official signature. A failure to have the license indorsed "genuine" by the clerk, before selling or offering to sell, or the failure to exhibit the license for inspection by an officer authorized to do so when demanded, shall subject the peddler to the same penalty as though he had peddled without license. For examining the license and making the indorsement, the clerk shall be entitled to a fee of twenty-five cents.

§ 41. No peddler's license shall give authority to more

than one person to peddle under it. Nor shall any person to whom it is granted sell by an agent or clerk, or in any other way than his own proper person. But all clerks or agents shall procure separate license.

§ 42. All peace officers, county judges and county attorneys are given authority to demand of all persons peddling or assisting a peddler, the production of their license for examination.

§ 43. All notes given for articles or rights by a peddler Peddlers' notes. shall have written or printed across the face the words "peddler's note." To such notes all defense may be made as against the original holder, whether the same be placed upon the footing of a bill of exchange or not; and all contracts for articles or rights by a peddler without license, and all notes given for such articles or rights not having the indorsement across the face, as hereinbefore provided, shall be null and void.

SUBDIVISION V.

Rectified whiskies, etc.

§ 44. That all corporations, associations, companies, co-partnership, or individuals, citizens (except distillers selling straight whiskies of their own make) of, or residing in this State engaged in the business or occupation of compounding, rectifying or blending distilled spirits, or selling by wholesale in the usual course of trade distilled spirits, or selling by wholesale compounded, rectified or blended spirits known and designated as single stamp spirits shall annually pay to the State a license therefor. That all foreign corporations, associations, companies, co-partnerships or individuals engaged in the business or occupation of selling by wholesale in this State in the usual course of trade distilled spirits, or rectified, blended or compounded spirits known and designated as single stamp spirits shall annually pay to the State a license tax therefor. That all corporations, companies, associations, co-partnerships, or

individuals, citizens of, or residing in this State and engaged in the business or occupation of owning or operating breweries shall annually pay a license tax to the State therefor. That all foreign corporations, associations, companies, co-partnerships, or individuals engaged in the business of selling by wholesale in this State in the usual course of trade, beers or malted liquors, shall annually pay a license tax to the State therefor as hereinafter specifically provided for. That all corporations, associations, companies, co-partnerships, or individuals, citizens of or residing in this State and engaged in the business of selling by wholesale in the usual course of trade, wines, ales, mineral waters, or any vinous liquors shall annually pay to the State a license tax therefor. That all foreign corporations, associations, companies, co-partnerships or individuals engaged in the business of selling in this State by wholesale or to jobbers in the usual course of trade wines, ales, mineral waters or vinous liquors shall annually pay a license tax to the State therefor. The license taxes imposed by this article shall be as follows, viz:

§ 45. For each resident wholesale dealer of distilled spirits or rectified, blended or compounded, single stamp spirits whose sales for the year ending June thirtieth, one thousand nine hundred and two, and on same date of each year thereafter, have in the aggregate been five hundred barrels or less, one hundred dollars.

§ 46. For each resident wholesale dealer of distilled spirits or rectified, blended or compounded, single stamp spirits whose sales for the year ending June thirtieth, one thousand nine hundred and two, and on same date of each year thereafter, have in the aggregate been over five hundred barrels and less than one thousand barrels, two hundred dollars.

• § 47. For each resident wholesale dealer of distilled spirits or rectified, blended or compounded single stamp spirits

whose sales for the year ending June thirtieth, one thousand nine hundred and two, and on same date of each year thereafter, have been in the aggregate one thousand barrels or more, three hundred dollars.

§ 48. For each foreign wholesale dealer of distilled spirits or rectified, blended or compounded single stamp spirits whose sales in this State for the year ending June thirtieth, one thousand nine hundred and two, and on same date of each year thereafter, have been in the aggregate five hundred barrels or less, one hundred dollars.

§ 49. For each foreign wholesale dealer of distilled spirits or rectified, blended or compounded single stamp spirits whose sales in this State for the year ending June thirtieth, one thousand nine hundred and two, and on same date of each year thereafter, have been over five hundred barrels and less than one thousand barrels, two hundred dollars.

§ 50. For each foreign wholesale dealer of distilled spirits or rectified, blended or compounded single stamp spirits whose sales in this State for the year ending June thirtieth, one thousand nine hundred and two, and on same date of each year thereafter, have been in the aggregate of one thousand barrels or more, three hundred dollars.

§ 51. For each brewery in this State, two hundred dollars.

§ 52. For each agency in this State established by resident brewers or resident wholesale dealers in domestic beer or malted liquors, twenty-five dollars.

§ 53. For each agency established and operated in this State by a foreign brewer or foreign wholesale dealer or jobber of any foreign beers or malted liquors, twenty-five dollars.

§ 54. For each wholesale dealer of wines, ales, mineral waters except natural mineral waters, or any vinous liquors, two hundred dollars. Provided that in the event a resident wholesale dealer of wines, ales, miner-

al waters or any vinous liquors, is also a wholesale dealer of rectified, blended or compounded single stamp spirits or of straight distilled spirits, but one license tax shall be paid, and which shall not be less than three hundred dollars.

§ 55. For each foreign wholesale dealer or jobber of wines, ales, mineral waters or vinous liquors, two hundred dollars.

§ 56. Each resident and foreign wholesale dealer in distilled spirits blended or compounded single stamp spirits doing business in this State shall annually on or before the tenth day of July, file with the Auditor of Public Accounts a report stating his name, principal place of business and the number of barrels of spirits sold for the year ending June thirtieth, of each year and pay into the State treasury tax for the preceding year based upon the amount of business done during the preceding year. Any corporation, association, company or co-partnership or individual liable for tax provided for by first section of this article and who shall fail to make the report required and pay license tax into the State treasury, as required, shall be deemed guilty of a misdemeanor and upon conviction be fined not less than one hundred dollars nor more than five hundred dollars for each offense to be recovered upon indictment in the Franklin circuit court.

§ 57. All license taxes imposed by first section of this article shall be paid into the State treasury on or before the tenth day of July of each year and upon payment of such taxes the Auditor of Public Accounts shall issue receipt to the person paying same, and issue a license in proper form authorizing the person to engage in the business for which the tax was paid, which license shall be conspicuously posted at his principal place of business in this State. Foreign dealers having no office in this State, duplicates of the receipts showing payment of license tax and exhi-

ration thereof shall be furnished by the foreign dealer to each salesman traveling and operating in this State.

§ 58. Any foreign corporations, associations, company, co-partnership or individual who shall in the usual course of trade sell in this State distilled spirits, or rectified, blended or compounded single stamp spirits, or wines, ales, mineral waters, or any vinous liquors, or beers or malted liquors, either upon orders from citizens of this State or through resident agents or through traveling salesmen shall for the purpose of the act be deemed doing business in the State of Kentucky and shall be liable for the license tax imposed by first section of this article and all penalties provided for by law for failure to pay such taxes.

§ 59. In the event any foreign dealer who shall do business in this State but fail or refuse to pay the license tax imposed by first section of this article, it shall be the duty of any revenue agent in this Commonwealth to file information with the county court wherein such business may have been transacted and the county court shall have due investigation made in accordance with the information and facts furnished by the revenue agent and shall assess the tax against such foreign dealers together with twenty per cent. penalty due to the revenue agent for his services, and it shall be the duty of such revenue agent to ascertain whether or not such foreign delinquent has any property in this State and may attach the same in the name of the Commonwealth in any court of competent jurisdiction without being required to execute attachment bond, and collect and pay into State treasury any license tax due by such delinquent.

§ 60. That each foreign corporation or association owning or operating a railroad in this State, which does within this State exclusively an inter-State commerce business and traffic and which owns, rents or leases in any manner, acquires terminal facilities, rights or privileges in this

State, shall annually on the first day of July or within thirty days thereafter, pay to the Commonwealth of Kentucky a tax of twenty-five hundred dollars. The taxes imposed by this section shall be paid into the State treasury, and any railroad company liable for these taxes failing to pay the same within the time prescribed shall be deemed delinquent and a penalty of ten per cent. shall immediately attach. The Franklin circuit court shall have jurisdiction to enforce the collection of taxes and penalties imposed by this section.

§ 61. Any person or corporation who shall purchase lands sold for taxes due this Commonwealth, as provided in this chapter, shall be deemed a tax broker whenever the amount of such purchases shall aggregate five hundred dollars, and shall within fifteen days after the said sale procure a license as such from the Auditor of Public Accounts. Such tax brokers shall pay for said license an amount equal to fifteen per centum of the aggregate amount of the purchases made by him, and the sales to him shall not become effective until said license shall have been procured. No claim shall be allowed by the Auditor to such purchaser for defects of title, errors of assessment or otherwise.

ARTICLE XI.

SUBDIVISION I.

§ 1. Every corporation which may be incorporated by or under the laws of this State, having a capital stock divided into shares, shall pay into the State treasury one-tenth of one per centum upon the amount of capital stock ^{Organization}~~tax~~ which such corporation is authorized to have, and a like tax upon any subsequent increase thereof. Such tax shall be due and payable on the incorporation of the company and on the increase of the capital thereof, and no such corporation shall have or exercise any corporate powers until the

tax shall have been paid; and upon payment, they shall file a statement thereof with the Secretary of State.

SUBDIVISION II.

Insurance companies other than fraternal.

§ 1. Every life insurance company, other than fraternal assessment life insurance companies, not organized under the laws of this State, but doing business therein, shall on the first day of July in each year, or within thirty days thereafter, return to the Auditor of Public Accounts for deposit in the Insurance Department a statement under oath of all premiums received for on the face of the policy for original insurance and all renewal premiums received in cash or otherwise in this State, or out of this State, on business done in this State during the year ending the thirtieth day of June last preceding, or since the last returns were made and shall at the same time pay into the State treasury a tax of two dollars upon each one hundred dollars of said premiums as ascertained.

Every life insurance company not organized under the laws of this State, but doing business therein on what is known as the industrial insurance plan, whereby weekly premiums are collected, shall at the same time make a return to the Auditor of Public Accounts for deposit in the Insurance Department, a statement under oath of all premiums received on insurance written exclusively on the industrial plan, and shall at the same time pay into the State treasury a tax of two dollars upon each one hundred dollars of said premiums as ascertained.

Any insurance company mentioned in this section doing insurance business other than on the industrial plan, shall make separate reports and pay into the State treasury the taxes due thereon under each report.

SUBDIVISION III.

§ 1. Every foreign building and loan association or company doing business in this State, on or before the first day of July in each year, shall pay into the State treasury two dollars on every one hundred dollars of the gross receipts of such company or association on business done in this State during the twelve months next preceding the first day of July of the same year the statement is required.

Foreign building
and loan associa-
tions.

§ 2. Any corporation, company or association failing to comply with sections four thousand two hundred and twenty-eight shall be deemed guilty of a misdemeanor, and, on conviction, be fined fifty dollars for each day the amount therein required is not paid after the same becomes due.

SUBDIVISION IV.

§ 1. Every insurance company, other than life insurance companies, and all fire insurance companies, not organized under the laws of this State, but doing business therein, shall, on the first day of July in each year, or within thirty days thereafter, return to the Auditor of Public Accounts, for deposit in the Insurance Department, a statement under oath, of all premiums received in this State, or out of this State, on business done in this State during the year ending on the thirtieth day of June last preceding or since the last returns were made, and shall give the name and location of, and the amount of premiums received by each agent, and losses paid at each agency, and shall at the same time, pay into the State treasury a tax of two dollars upon each one hundred dollars of said premiums so ascertained, less returned premiums on cancelled policies and re-insurance in companies having authority to transact business in this State, and upon payment file a statement thereof with the Secretary of State.

Insurance com-
panies other than
life.

SUBDIVISION V.

Penalties.

§ 1. Any insurance company failing or refusing for thirty days to return the statement required, under the oath of some principal officer or general agent or manager of the State, and to pay the tax herein required, shall forfeit one hundred dollars for such offense, and it shall be the duty of the Insurance Commissioner to revoke the authority to such company or its agents, and to publish such revocation in some newspaper of this Commonwealth

§ 2. Any company or association, as contemplated in the preceding sections, failing or refusing to return the statement or pay the taxes as herein required, shall be deemed guilty of a misdemeanor, and, on conviction, be fined one thousand dollars for each offense.

§ 3. If any officer of any of the companies or associations mentioned in this article shall make any false statement in any report herein required, he shall be deemed guilty of perjury, and, on conviction, be punished accordingly.

§ 4. The Franklin Circuit Court shall have jurisdiction of all prosecutions under this article.

§ 5. The Auditor of Public Accounts may, by action, sue for and recover, in the name of the Commonwealth of Kentucky, all taxes due the State under this article, and the Franklin Circuit Court shall have jurisdiction of such action.

SUBDIVISION VI.

Annual report.

§ 1. Every insurance company, other than life insurance companies, and assessment casualty companies, not organized under the laws of this State, but writing policies or contracts of insurance on property located in this State, or doing business therein, shall on July first of each year, or within thirty days thereafter, return to the Auditor of

Public Accounts, for deposit in the Insurance Department, a statement under oath of all premiums received *for the twelve months preceding* on policies or contracts of insurance written by the local resident agents and shall give the amount of premiums received by each local agency and the losses paid thereon, and shall at the same time pay into the State treasury a tax of two dollars upon each one hundred dollars of premiums received; and shall also make a statement in detail under oath of all premiums received *for the twelve months preceding* on policies or contracts of insurance covering property located in the State, written either at the home offices, branch offices, by brokers or by non-resident agents or by re-insurance of companies not authorized to do business in Kentucky, and also make statement in detail of the losses paid under such policies, and shall at the same time pay into the State treasury the tax of two dollars upon each one hundred dollars of premiums so received, if not paid within thirty days, a penalty of five dollars additional of each one hundred dollars of the gross premiums shall attach. Said statements of insurance written by other than authorized local agents duly licensed by the State of Kentucky shall show each policy written, its number, the assured, date, expiration, amount, rate, and premium and the kind and location of the property insured.

§ 2. Any company or association, as contemplated in this section, failing or refusing *to make such report* and to furnish all the data and information as required in sections three and five of subdivision five, and sections one and two of subdivision six of this article, shall be deemed guilty of a misdemeanor and on conviction be fined one thousand dollars for each offense.

§ 3. That all mutual assessment companies, associations, individual firms, underwriters or Lloyds not organized under the laws of the State of Kentucky, but having resident

members doing business therein, and who shall enter into contracts of insurance with each other, or into agreements to indemnify each other against losses by fire, lightning, windstorms or other casualties, for which there is no premium charged or collected at the time the insurance is made, shall be deemed to be doing an insurance business in this State, and shall annually on the first day of July, or within thirty days thereafter, pay into the treasury as a license tax, a tax of two dollars upon each one hundred dollars of assessment paid or collected in any one year; each resident member shall be liable to the State for the license tax and all interest and penalties.

§ 4. That all mutual assessment companies, associations, individuals, underwriters or Lloyds, not organized under the laws of the State of Kentucky, but having resident members doing business therein, and who shall enter into contracts of insurance with each other into agreements to indemnify each other against losses by fire, lightning, windstorms or other casualties for which there is a premium charged or collected at the time the insurance is made, shall be deemed to be doing an insurance business in this State, and shall annually on the first day of July, or within thirty days thereafter, pay into the treasury as a license tax, a tax of two dollars upon each one hundred dollars of assessment or premiums made and collected in any one year, and each resident member shall be liable to the State for the license tax and all interest and penalties thereon.

ARTICLE XII.

Tax on transfers, etc.

§ 1. On each original action or proceeding commencing with or without original process, when the amount in controversy, exclusive of interest and cost, exceeds fifty dollars; on each appeal to the circuit or quarterly court; on each traverse of forcible entry or detainer; on each proceeding to revive a judgment; on each deed or power of attorney.

ney to convey real or personal estate, or any mortgage or conveyance of real or personal property, or lien or conveyance of coal, oil, gas or other mineral right or privilege (but no tax shall be paid on any chattel mortgage unless the amount exceed fifty dollars), on each marriage license, fifty cents, and on the seal of any court, required by law, to keep a seal, fifty cents; on each appeal to the Court of Appeals, one dollar; on each verdict of a petit jury in the circuit court, four dollars. The tax shall be paid when the parties withdraw a jury or the plaintiff sustains a non-suit after the jury is sworn. On filing and registering a plat and certificate of survey, and issuing and recording patent thereon, one charge which shall be paid before the survey is filed, but not to apply to a survey heretofore filed in register's office, two dollars and fifty cents for each survey consisting of ten acres or less, and five dollars for each survey in excess of ten acres; for filing a caveat, twenty-five cents; for filing a copy of judgment of a court in a case of a caveat, mandamus or other proceedings affecting the land office, or the duties of the register, twenty-five cents; for issuing a land warrant, one dollar; for each official certificate with seal of office affixed, one dollar; for a copy of a plat, fifty cents; for a copy of a course and distances of any patent or survey, fifty cents; for a copy of any entry or land warrant, fifty cents; for a copy of an assignment, twenty-five cents; for a copy of a caveat, two cents for every twenty words; for copy of any writing not specifically provided for, two cents for every twenty words.

ARTICLE XIII.

SUBDIVISION I.

§ 1. The clerk of the county court, after the examination and approval of the tax-books by the board of supervisors, shall test the accuracy of the extensions and additions on

County clerk—
duties of as to tax
books, etc.

said book, make additions of each column, recapitulate blanks to be furnished by the Auditor, the footing of each page to show the aggregate amount, value and number of each column in said tax-book, and record said recapitulation sheet or sheets in said book, with his official certificate attached, and see that said extensions, additions, footings and recapitulations are correct. He shall annually make out for the use of the sheriff or collector, in a book, a correct list of all tithes and taxable property as assessed and supervised, and shall deliver the same to the sheriff or collector on or before the first day of March, and take his receipt therefor, and at the same time he shall transmit, by mail or otherwise, to the Auditor of Public Accounts on said blanks to be furnished by the Auditor, a certified copy of said recapitulation sheet or sheets, showing the aggregate amount, value and number of each kind of enumerated property, as shown by the tax-books, whether the same be assessed for taxation or statistics. For testing the accuracy of the extensions and additions on said book, and making additions of each column, and for making out said tax lists for the sheriff, the county clerk shall be allowed annually, out of the State treasury, two cents for each line across the page of said books, made out for the sheriff, including the name of the taxpayer, and number of total values. The clerk shall present his account to the county court, verified by his affidavit, which shall be approved and allowed by the court, if found correct, and be duly certified to the Auditor, who shall draw his warrant on the treasurer for the amount. And for making out said recapitulation sheet and recording same in the text-book, said clerk shall receive two cents for each line across the page thereof, including the last number of total values; and the same compensation for copying and certifying said recapitulation sheet to the Auditor, to be ascertained by the Au-

ditor and paid by the treasurer on the warrant of the Auditor.

§ 2. The clerk shall, on or before the fifteenth of September of each year, make and certify to the assessor a complete statement of all conveyances made during the preceding year by justice's districts, showing the names of the parties, the date of conveyance, and the consideration of the conveyance; for which service he shall be allowed at the rate of five cents for each conveyance, payable out of the State treasury on the certificate of the county clerk, verified and allowed by the county court, as provided in the preceding section, which statement shall be returned by the assessor with his tax book and schedule to the county clerk for the use of the board of supervisors.

§ 3. It shall be the duty of the sheriff or auditor's agent to cause to be listed for taxation all property omitted, or any portion of property omitted by the assessor, board of supervisors, board of valuation and assessment or railroad commission, for any year or years. The officer proposing to have such property assessed shall file in the clerk's office of the county in which the property may be liable to assessment, a statement containing a description and value of the property proposed to be assessed, and the value of corporate franchise, if any, and the name and place of residence of the owner, his agent or attorney, or person in possession of the property, and the year or years for which the property is proposed to be assessed. Within five years after the filing of such statement, the clerk of the court shall issue a summons against the owner to show cause before the next regular term of the county court, which does not commence within five days after service of such summons, why such property or corporate franchise, if any, shall not be assessed at the value named in the statement filed. The summons shall be executed by the sheriff of the county by delivering a copy thereof to the

owner, if in the county if not, then to his agent, attorney or person in possession of the property. At the next regular term of the county court after the notice has been served five days, if it shall appear to the court that the property is liable for taxation, and has not been assessed, the court shall enter an order fixing the value thereof at its fair cash value, estimated as is required by law; if not liable, he shall make an order to that effect. From so much of the order if the court deciding whether or not the property is liable to assessment, either party may appeal, as in other civil cases, except that no appeal bond shall be required where the court decides that the property is not liable to assessment or taxation. If the court shall decide that the property is liable to assessment, the clerk of the county court shall certify to the Auditor of Public Accounts and the sheriff a description of the property and the amount of the assessment for taxation, together with the amount of penalty and cost of assessment. All persons owning property which may be assessed as herein provided shall, in addition to the taxes, pay a penalty of twenty per centum on the amount of the taxes due and cost of assessment, except where such property shall have been duly listed by the owner thereof. The taxes and penalties shall be collected and accounted for as other taxes and penalties are required to be collected. As compensation for his services in causing such property to be assessed, the officer filing his statement shall be entitled to the penalty, which shall be paid to him after the full amount of taxes shall have been collected. The county clerk shall enter all such assessments in a book to be kept for that purpose, showing the date of the assessment, the name of the person against whom the assessment is made, the location and quantity of the property assessed, the value fixed thereon; and the officer collecting the tax shall, when the same is paid, notify the clerk of its payment, which payment shall

be noted by the clerk opposite the entry of such assessment.

§ 4. Each circuit and county clerk shall make out an account of all taxes and other public money received by him up to the first day of each circuit court, and said report shall show in detail of whom said moneys were received, for what and when received, and shall be verified by him and entered of record; and he shall pay over from the public money remaining in his hands to the trustee of the jury fund, until otherwise provided by law, so much thereof as the court may, by order, direct as being necessary for the payment of the jurors; and the original account certified, with the order of court, shall be transmitted with the balance of the fund to the Auditor. The clerk shall be allowed five per cent. commission on said sums reported and paid by him. If any clerk shall fail to perform the duties required of him in this section, he shall be liable on his official bond, with twenty per cent. damages thereon, which may be recovered by action in the name of the Commonwealth in any court of competent jurisdiction.

§ 5. The clerks of the circuit and county courts and trustees of the jury fund of this Commonwealth shall keep a well-bound book in their offices, in which they shall enter at the time it is receivable, or when received, all taxes on suits or other moneys received by them for the Commonwealth, showing of whom received, on what account, amount and date; which book shall, at all times, be open to public inspection.

§ 6. It shall be the duty of the clerks of circuit courts to issue executions and place them in the hands of the sheriff, within twenty days after the adjournment of each term of their respective courts, upon all jury fees which remain unpaid; and, upon failure to do so, shall be held responsible on their official bond for the amount of such jury fees upon which they had failed to issue executions.

§ 7. It shall be the duty of the circuit court clerk of this

Report of county
and circuit clerks.

Commonwealth to issue proper process, and place the same in the hands of the sheriff, taking his receipt therefor, within ten days after the adjournment of each term of court, on all judgments in favor of the Commonwealth which have not been paid or replevied in the office, or remitted or respite by the Governor; and shall, within ten days after the maturity of each and every replevied bond on any such judgment, issue executions and place it in the hands of the sheriff as aforesaid; and upon any such execution issued upon any such replevied bond being returned by the sheriff without making the money, he shall re-issue executions from time to time, at least once in every ten months for five years, and as often thereafter as demanded by the Commonwealth's or county attorney or sheriff, and place in the hands of the sheriff as aforesaid; and upon all such judgments, executions, or *capias pro* fine, which may be stayed or respite by the Governor, the clerk shall issue proper process and place it in the hands of the sheriff as aforesaid within ten days after the expiration of such stay or respite. And it shall also be the duty of the circuit court clerk to make out and forward to the Auditor, some time in the month of June in each year, a full and complete list of all unpaid judgments as aforesaid, showing at what date execution or other process issued, to whom delivered, what return has been made, and the date thereof and upon failure to discharge his duty as required in this section, the clerk so failing shall be held responsible on his official bond for the amount of the judgment, interest and cost to which such failure is applicable, but nothing in this section shall be construed to authorize the Governor to remit any judgment unless the same be for a fine imposed as a punishment.

§ 8. It shall be the duty of the clerks of the circuit courts to report to the Auditor, at the same time that he makes the report required in the preceding sections, a list of all

such judgments, executions, etc., named in the said preceding sections, which have been paid in court, or as appeared from returns or other entries upon his books, or returns of execution or other process, have been collected since last report, by whom and from whom collected, amount and date.

§ 9. It shall be the duty of the circuit court clerks to forward to the Auditor, within ten days after the adjournment of each term of court, a list of persons who have been ordered by the court to pay money to the sheriff, showing on what accounts and what amounts.

§ 10. Upon failure or neglect to perform any duty required by this article, the officer so failing shall, for each offense be fined not less than fifty nor more than one hundred dollars, in discretion of the court. Upon failure of any circuit or county court clerk to make and forward to the Auditor the reports required by this article, he shall be fined not less than two hundred nor more than three hundred dollars for each offense, which may be recovered by motion, action or indictment in the Franklin circuit court.

SUBDIVISION II.

§ 11. The clerk of the court of appeals, register of the land office, Secretary of State shall, in the months of June and December of each year, report under oath to, and settle with, the Auditor for tax and public money which shall come to their hands, and pay the amount due from them into the State treasury, and upon payment file a statement thereof with the Secretary of State. For each violation of this section, said officers may be fined in the Franklin circuit court, on motion or action in the name of the Commonwealth, not exceeding one hundred dollars, and shall be liable in the same manner to judgment and twenty per cent. damages for all money and tax due from them.

Report and settlement of clerk of Court of Appeals, register of land office and secretary of State.

SUBDIVISION III.

Court may correct erroneous assessment.

§ 12. Any person or corporation claiming to be erroneously charged with any tax upon property not owned by them, may, at any time not later than the next regular county court after they have received notice of the same, by demand made upon them to pay the tax, or for evidence in support of said complaint to the county court of the county, in which the assessment was made; and if said court, after due consideration of the evidence, finds that they were not the owners of the property assessed, it may correct the same by releasing them from the payment of the tax thereon; and it shall be the duty of the court to have the property immediately listed as against the rightful owner thereof. County courts shall have further authority, after giving notice to the sheriff and assessor, to correct any mere clerical errors in the assessment, and any correction made without such notice shall be void. The right of appeal from the decision of the court as herein provided shall apply to all final orders of court made under this section; and it shall be the duty of said court to certify its action to the Auditor of Public Accounts and sheriff, as provided in said preceding section.

SUBDIVISION IV.

Delinquents—
oaths administered
to sheriffs.

§ 13. The fiscal courts, before allowing and certifying any delinquent list, upon the application of the sheriff shall administer to the sheriff and his deputies the following oath: "You do swear that this list of insolvents and delinquents, now before the court and returned by you, is just and true, as you believe, according to the knowledge which you have, and that you have been to the residence (if in the county) of the party from which the tax is due, and that you can not find any property liable to sale for

taxes, and that you will true answers make to all questions asked you touching said lists, and the efforts made by you to collect the amount whereof." The court shall then proceed to examine the sheriff to ascertain the truth of the facts, and upon such answers, and other evidence, and their own knowledge, to allow such portions of the lists as may be right, which, being certified as allowed, shall entitle the sheriff to a credit in his official settlement.

ARTICLE XIV.

§ 1. It shall be the duty of all sheriffs, clerks, county judges, police judges, justices of the peace, constables, marshals and other officers, authorized to receive moneys due the Commonwealth, to report on the first day of each circuit court and in a court having a continuous session, to report every four months, the amount of all moneys due the Commonwealth and collected by any such officer from all sources except State and district taxes, since such officer's last report was made. The reports shall be in writing, and sworn to in open court by the officer making it, unless for good cause the court may excuse an officer and receive his report sworn to before some person authorized to administer an oath. The report shall be on blanks, prepared and furnished the circuit clerk by the Auditor of Public Accounts, and shall show from whom the money was received, the amount, and date of collection, and on what account the money was paid; and the reports of the county judges, police judges and justices of the peace shall also show on which fines and forfeitures reported the county attorney is entitled to commission by reason of having attended and prosecuted the cases in which they were imposed. The county clerk shall, in addition to the facts as above required, show by report, all licenses granted by him and the County Court since his last report, the name of the person to whom granted, and the date of each, the

Report of sheriffs, clerks, county judges, justices of the peace, constables, marshals, etc., of moneys received, except State and district taxes.

date of expiration and the amount of tax on each. The county judges, police judges and justices of the peace, and all other courts inferior to the circuit courts, having jurisdiction to render judgments in favor of the Commonwealth shall, in addition to the fact required to be shown by them, report all unsatisfied judgments in their respective courts, rendered in favor of the Commonwealth during twelve months next before the time when such report is required to be made, the name and residence of the person against whom such judgment was rendered, the date of the judgment and the amount thereof, and the reason why such judgment has not been collected.

§ 2. In addition to the facts required to be reported in writing, the court may require any such officer to be sworn and answer concerning any matter pretending to the interest of the Commonwealth; and the court may make such orders with reference to information thus obtained to protect the interest of the Commonwealth as it may deem proper, and enforce obedience thereto by appropriate proceedings. The report shall be delivered to the grand jury for their examination, and return to the clerk of the circuit court.

§ 3. Any officer failing to make the report and failing to comply with the order of the court with reference thereto, shall be deemed guilty of contempt of court, and be proceeded against by proper rules and orders.

§ 4. The court shall order all such officers to pay any money in their hands to the officers entitled to receive it, and when the amount due is paid and the receipts therefor filed with their respective reports, the court shall approve the reports and cause the same to be filed in the office of the clerk of his court.

§ 5. Courts having a continuous session shall, by order fix a day in every four months for receiving the report of all such officers, on which day all the reports shall be made

and proceedings had as on the first day of the term of other courts.

§. 6. Each circuit judge shall cause a complete summary of the several reports to be made and signed by him and transmitted by him to the Auditor of Public Accounts within three weeks after said reports are made and filed, and the Auditor of Public Accounts shall not draw his warrant on the Treasurer of this State for the monthly salary of any circuit judge until the reports above required are filed, or proper steps have been taken by the court against delinquents to compel them to discourage their duties as herein contemplated.

ARTCILE XV.

§ 1. The Auditor of Public Accounts may appoint a revenue agent in each county of this Commonwealth, and may in addition appoint not exceeding four revenue agents from the State at large, whose term of office shall be for four years.

Revenue agents.

§ 2. Before entering upon the discharge of the duties of office, such revenue agents shall take the oath required of other officers, and shall execute a bond to the Commonwealth of Kentucky, with good security, to be approved by the Auditor, conditioned that he will faithfully discharge the duties of his office.

The bond shall be filed and safely kept in the Auditor's office, and upon which the revenue agent and his sureties shall be jointly and severally liable for a breach thereof to the Commonwealth or any person in interest.

The bond shall be renewed every two years, or as often as the Auditor may require.

§ 3. It shall be the duty of the revenue agent to cause to be listed, for taxes, in the manner required by law, of property in the county for which he may have been appointed which may have been omitted to be assessed by

the assessor, board of supervisors, board of valuation and assessment or railroad commission, or any license tax which may be due to the Commonwealth. It shall be the duty of the revenue agents for the State at large to cause to be listed for taxes in the manner required by law of any property in any county, city or town of the Commonwealth which may have been omitted to be assessed by the assessor, board of supervisors, board of valuation and assessment or railroad commission, and it shall be his duty to enter proper motions and proceedings in any court of competent jurisdiction or before the State board of valuation and assessment or railroad commission or other competent assessing authority, and cause the assessment to be made of any omitted property, and he shall be entitled to receive a commission of twenty per cent. penalty on the amount of tax recovered to be paid by the delinquent taxpayer, which penalty shall be entered as a part of the judgment against the delinquent.

§ 4. He shall report to the Commonwealth's Attorney, county attorney or grand jury all persons who may be guilty of violating the laws governing license taxes, and shall cause such offenders to be prosecuted; and in all such cases where the person so reported or prosecuted shall be granted license, and shall pay the tax and penalty of twenty per cent., as imposed by law, the revenue agent who reports the offender, or who causes payment of such license and penalty, shall be entitled to receive such penalty of twenty per cent. as compensation for his services.

§ 5. It shall be the duty of the revenue agent, and he shall have the right, to investigate the accounts and records of all officers whose duty it may be to receive or collect money due the State or county, and report to the Auditor, from time to time, all delinquent officers and the amounts collected by them which they have failed to pay into the treasury of the State or the county of which they failed to

collect or account for. He shall report all excessive charges made by any such officers, and also those who have received or retained a greater sum for their services or the services of their deputies, than is allowed by law, and all such other facts by which the State is being unlawfully deprived of any money, and any other facts touching the interest of the Commonwealth as he may deem important, or of which the Auditor may require information.

§ 6. It shall be the duty of the revenue agent and he shall have authority when directed by the Auditor, to institute suit, motions or proceedings in the name of the Commonwealth against any delinquent officer or other persons to recover any money which may be due the Commonwealth; and in all such suits, motions or proceedings in which a judgment is recovered, the party in default shall in addition to the amount for which he is liable to the State, be adjudged to pay a penalty of twenty per cent. on the amount due; and the revenue agent who prosecutes such action and recovers the amount due the Commonwealth shall be entitled to receive said penalty for his services. The penalties herein provided for shall not be in addition to the penalties in action in the name of the Commonwealth prosecuted by the county attorney or other attorneys for the Commonwealth.

§ 7. The revenue agent, at the end of each month after collecting money due the Commonwealth, shall pay the same into the State treasury. Any revenue agent failing to comply with this section shall forfeit the penalty due him for his services, and be deemed guilty of a misdemeanor, and, on conviction, be fined a sum equal to twice the amount he should have paid over.

§ 8. The revenue agent shall, on the first day of January of each year, and whenever required by the Auditor, file with the Auditor an itemized statement of the money

which he may have received as such revenue agent, and from whom collected, and the date of collection.

§ 9. The Commonwealth shall not be liable for, or pay any cost of any action or proceeding instituted by any revenue agent, nor shall it be liable for or pay any sum to a revenue agent for any services as such, except out of the amounts which may be collected as penalties, in cases prosecuted by the revenue agent.

§ 10. It shall be the duty of the Auditor of Public Accounts to diligently prosecute the collection of all back taxes, license fees, judgments or other moneys, claims or demands due the Commonwealth from any corporation, association, firm, companies or individuals, and shall have the power to direct revenue agents in the various counties or from the State at large to prosecute the collection of all delinquent taxes, taxes on omitted property of delinquent, license fees or omitted license or the franchise tax of any corporation or association due to the State, for which services the said revenue agent shall be entitled to penalty of twenty per cent., to be paid by the delinquent tax payer, and in no event shall the State be liable for any commissions or expenses of such agent. Should any life insurance company, fire insurance company, casualty company, marine insurance or security or indemnity company be in debt to the State for back taxes, or should any of such companies fail to pay into the State Treasurer the correct amount of taxes due the State, the Auditor shall cause an investigation to be made of their books and accounts, and to employ such expert accountants as he may deem necessary for such work. The expenses for such accountant and other expenses of such examination shall be paid by the delinquent companies, and in no event shall the State be liable for any expense incurred in such examination.

ARTICLE XVI.

§ 1. That it shall be the duty of the Governor to annually appoint one person from each appellate district of this State, and they, together with the Auditor of Public Accounts, who shall be an *ex officio* member without additional compensation, shall constitute a State Board of Equalization and Assessment. No person shall be eligible to appointment on the board by the Governor who is under thirty years old, and he shall be a housekeeper and shall be the owner in fee of real estate located in this State. The members of this board shall hold this office for a period of one year, and until their successors are appointed and qualified. The term of office of said persons to be appointed as aforesaid, shall begin on the first day of January, one thousand nine hundred and three, and annually thereafter. It shall require five members of said board present to constitute a quorum.

State Board of
Equalization—
duties of etc.

2. Each member of said board, before entering upon the duties of said office, shall take the oath of affirmation prescribed by the Constitution of the State.

§ 3. At the first meeting of said board, it shall organize by selecting one of its members as chairman and appointing a secretary, who shall take the oath prescribed by the Constitution. Each member of said board shall receive for his services the sum of five dollars per day during its sessions, and ten cents per mile for each mile necessary to travel in going to and returning from the seat of government, to be counted by the Auditor of Public Accounts, and no other allowance or emoluments, directly or indirectly, except the sum of ten dollars annually, which shall be in full for postage, stationery, newspapers and other incidentals. The pay and mileage al-

lowed to each member of said board, and the pay allowed to its secretaries and employes, shall be certified by the chairman. Said board may employ three secretaries at five dollars per day.

§ 4. Said board shall assemble at the State Capitol on the tenth day of February, annually, to perform the duties imposed upon it by the provisions of this act; but in case the Auditor has not, by that day, received sufficient returns of assessments and tabulated statements, as provided for in this act, from the various county clerks of this Commonwealth, the said officer may, at his discretion, call the board to meet at some later day. The State Librarian shall furnish such printing, fuel, lights and rooms as may be necessary for the transaction of the business of said board.

§ 5. In all cases of partial return from any county, the Board of Equalization may estimate the valuation in the towns or districts from which returns have not been received, and may equalize the total valuation as in other cases; and in all cases of failure on the part of any county clerk to furnish the returns of the assessment of his county to the Auditor prior to or during the meeting of the Board of Equalization in each year, said board may, by order, authorize the Auditor to equalize the assessment of such county when the full returns have been received by him.

§ 6. That the clerks of the various county courts of this Commonwealth are hereby required to make out an annual tabulated statement of all sales of real estate, as shown by the deed books in their respective counties, on suitable blanks, which the Auditor is hereby required to furnish said clerks, and said clerks are required to make and file said tabulated statements on or before the first day of January in each year, town lots being kept separate from other real estate; said tabulated statements shall be for

one year immediately preceding the fifteenth day of September, and shall contain a list of all sales of real estate, town lots being kept separate as aforesaid, the price paid with terms and conditions, the number of acres, and the assessed value of same for the said year. Said tabulated statements shall only include sales where absolute fee simple title is given, and if only a part of a tract of land or town lot is sold, shall give a short description of same, and state what proportion the same may be of such tract of land or town lot. The said tabulated statement shall be sworn to by the said clerk before some person competent to take oaths, as a full and complete statement of said facts for the period of one year previous to the fifteenth day of September. Said statement shall also be signed and sworn to by the county attorney and the county judge, and in their affidavits they shall state that they have examined the recorded and unrecorded conveyances filed for said twelve months preceding September fifteenth last past, and each and every such conveyance (except those based on love and affection), with the consideration therefor correctly stated is shown in said statement, and that the assessed values are correctly given in said statement. Said board shall have the authority to obtain the news and other evidences as to values, and whether or not the property conveyed has been assessed at a greater per centum of its actual value than in cases where property has not been conveyed. Said tabulated list shall be made out and sent to the Auditor of Public Accounts for the use of the State Board of Equalization. For his services in making said tabulated statement the clerk shall be paid a reasonable compensation by the county court of his respective county. If any clerk of any county in this Commonwealth fails to make out and send, by mail or otherwise, to the Auditor of Public Accounts, on or before the first day of February in each year, the tabulated list of sales, as pro-

vided in this act, he shall be fined not less than fifty nor more than two hundred dollars, upon the indictment in any court of competent jurisdiction in this Commonwealth.

§ 7. The said Board of Equalization shall fix the percentage of assessed value of real property at seventy per centum of cash value, and all counties whose average lists of real property or below such per centum shall be raised to the same, and all those counties whose average lists are above the same, shall be lowered to said standard. The Secretary to the State Board of Equalization shall report to the various county judges of this Commonwealth, as soon as possible, the action of the board in regard to their respective counties, whereupon said judges may, in their discretion, each appoint not exceeding five witnesses to appear under oath before said board in reference to the action of the board. The board shall then revise their action, or not, as they may think just and proper. Said witnesses must appear in a reasonable time, or they shall lose their right to be heard. The compensation and expenses of said witnesses, if any, shall be paid by their respective county courts.

§ 8. The said Board of Equalization shall also equalize the personal property of every county in this Commonwealth, by adding to or subtracting from the list of personal property, as the case may be, the same per centum as was added to or subtracted from the list of farm lands for the same county, and for this purpose the average per centum of assessed value to cash value of farm lands shall be used, and in determining such per centum fractions less than one-half shall be rejected, and fractions of one-half or over shall be counted as one.

§ 9. In the event that there has not been as many as five sales of land in any county in any one year next preceding September fifteenth, then the assessments of real estate and personal property for that county shall remain

as fixed by the county board of supervisors, and the same rule shall apply to town lots.

§ 10. Said board shall find the average percentage of assessed value to cash value of lands and town lots in any one county by taking in said tabulated statement the aggregate assessed value of all tracts of land and town lots, town lots being kept separate, and calculating what percentage said aggregate assessed values or of the cash value of the same, time payments being reduced to cash value on the basis of six per centum discount.

§ 11. When the board shall have completed its equalization of assessments for any one year the chairman and secretary shall certify to the Auditor the rates finally determined by the said board to be added to or deducted from the listed or assessed valuation of lands and town lots and personal property in the several counties, and the amounts assessed by said board, and it shall be the duty of the Auditor, under his seal of office, to report the action of the board to the several sheriffs immediately after the adjournment of said board.

§ 12. The report of the proceedings of said Board of Equalization shall be published annually in pamphlet form, and one thousand copies thereof printed, of which number each member shall be entitled to fifty copies, and the Auditor to two hundred, and the remainder thereof shall be distributed by the Secretary of State to the several counties in proportion. Said distribution shall be by mail or express, immediately upon the receipt of said report from the public printer, the cost of such distribution to be paid for by the Treasurer of the State out of any money in the treasury not otherwise appropriated.

§ 13. All rates of taxes as herein provided for, shall be expended by the secretary on the assessed valuation of property as equalized and assessed by the State Board of

Equalization. Said secretary shall extend the rates of addition or deduction ordered by the State Board of Equalization in columns provided for that purpose. The rates per cent. ordered by the State Board of Equalization shall be extended on the assessed valuation of property as corrected and equalized by the county board. In all cases of extension of valuations, where the equalized valuations shall happen to be fractional, the clerk shall reject all such fractions as may fall below fifty cents; fractions of fifty cents or more shall be extended as one dollar.

§ 14. It shall be the duty of the Auditor to make in each assessor's book a certificate of the rate of deduction or addition determined by the State Board of Equalization in the county to which such books shall pertain. The Auditor shall make out, over his hand and official seal, a certificate of the action of the Board of Equalization, which shall be transmitted to the county clerk, and by him affixed to the assessor's books for the said year, and shall be the warrant of authority to the sheriff or collector for the collection of taxes as therein set forth.

§ 15. All acts and parts of acts in conflict with this act are, to the extent of such conflict, repealed.

Became a law March 29, 1902, the Governor not having signed or disapproved the same within the time prescribed by the Constitution.

RESOLUTIONS.

NO. 1.

RESOLUTION directing the State Librarian to furnish copies of the Kentucky Statutes and Carroll's Code of Practice to the chairman of the several committees and providing for payment for same.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the State Librarian is hereby directed to purchase a sufficient number of copies of the Kentucky Statutes and Carroll's Codes of Practice of Kentucky for the use of the chairman of the different committees of the Senate and House of Representatives, the same volumes to be returned to the Librarian at the end of the session. The Auditor of State, on the approval of the State Librarian, is directed to draw a voucher for the purchase price of said books on the treasury of the State.

Approved January 23, 1902.

No. 2.

RESOLUTION providing for the printing and distribution of the Governor's Message.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Librarian be, and he is hereby, directed to furnish each member of the House and Senate one hundred and fifty copies of the Governor's message to the General Assembly of Kentucky, in pamphlet form, single wrap-

pers, for mailing, in postpaid wrappers; also have printed on the wrapper of each copy the name of each member according to the quota of copies.

Approved January 31, 1902.

No. 3.

RESOLUTION favoring a change in the Constitution of the United States so as to provide for the election of Senators in the Congress of the United States by popular vote.

Whereas, A large number of State Legislatures have at various times adopted memorials and resolutions in favor of election of United States senators by popular vote and,

Whereas, The National House of Representatives has on four separate occasions within recent years adopted resolutions in favor of this proposed change in the method of electing United States senators, which was not adopted by the Senate, and,

Whereas, By reason of alleged corruption and fraud and the corrupt use of money the election of United States senators in several States have been prevented and by dead locks several States have failed to elect senators and in a number of instances the will of the people prevented, and,

Whereas, Article fifth of the Constitution of the United States provides that Congress on the application of two-thirds of the several States shall call a convention for proposing amendments and believing there is a general desire upon the part of the people of Kentucky that United States senators should be elected by the people,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Legislature of the State of Kentucky favors the adoption of an amendment to the Constitution, which shall provide for the election of the United States senators by popular vote and joins with other States of

the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States as provided for in article fifth of the said Constitution, which amendment shall provide for a change in the present method of electing United States senators, so that they can be chosen in each State by a direct vote of the people.

Resolved, That a copy of this concurred resolution and application to Congress for the calling of a convention be sent to the President of the United States Senate and the Speaker of the House of Representatives.

Approved February 10, 1902.

No. 4.

RESOLUTION directing the joint committees on charitable institutions, A. & M. College and Penitentiaries and Houses of Reform to visit said institutions and investigate same and report upon their condition, and to provide for the payment of expenses of said committees.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§1. That the joint committees of the two houses of the General Assembly of the Commonwealth of Kentucky on Charitable Institutions, A. & M. College and Penitentiaries and Houses of Reform, be directed to visit their respective institutions and investigate same and make a detailed report of their condition, and recommend any change they may deem proper for their betterment. The Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for such sums of money as may be necessary to defray the actual expenses of said joint committees, including any clerical hire deemed necessary by the committees, which shall be done on certificate of the chairman of the joint committees, and nothing shall be allowed for

the expenses of any persons other than members on the committees and one clerk, if same is deemed necessary by committees.

§ 2. An emergency existing therefor which is apparent, this resolution shall take effect on approval of the Governor.

Approved February 15, 1902.

No. 5.

RESOLUTION for benefit of Moses Butcher.

WHEREAS, Moses Butcher has, during the present session, faithfully and acceptably served the General Assembly of Kentucky in keeping clean and comfortable, by daily fires, the rotunda of the capitol building, and promptly and efficiently performed necessary services, in cleaning and taking care of the closets therein and in waiting on committees,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That he be and is allowed for said service the sum of one dollar per day during said session, and the Auditor will draw his warrant on the Treasurer therefor.

§ 2. There being no provision for paying for said needed services, an emergency is hereby declared and this resolution shall take effect upon its passage.

Approved March 19, 1902.

No. 6.

RESOLUTION providing for the purchase of official manuals for the use of members of the General Assembly for distribution to certain officials.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Librarian be, and the same is hereby, authorized and directed to purchase, at not exceeding one dollar per copy, four hundred copies of the book, entitled "Official Manual," for the use of the courts, State and county officials and General Assembly of the State of Kentucky, by Miss Pauline Helm Hardin, which book contains the Constitution, indexed and annotated, the standing committees of both Houses, the rules of the Senate and of the House of Representatives, the joint rules, the name and postoffice address of the members of the General Assembly, and the directory of the State officials and chief officials of the United States and the several States of the several territories of the Union and other valuable information. She will furnish the members of the General Assembly and such officials thereof as may be designated by the presiding officer of the Houses respectively with a copy of each of the same, and will furnish the State officials with copies thereof, and send a copy thereof to the clerk of the county court of each county in the State, to be kept in his office. She will furnish to each State and Territory in the Union a copy of said book in exchange of similar books from the said States and Territories.

§ 2. There being no printed copies of the rules and committees of the General Assembly, an emergency is declared, and this resolution shall take effect from and after its adoption.

Approved March 19, 1902.

No. 7.

RESOLUTION for the benefit of John H. Stuart.

WHEREAS, There is no provision under the law for paying the officers of the State Electoral College at its meeting every four years, and it has been customary for the Legislature to make provision for same, as will be seen on page one hundred and fifty-eight, volume one, acts of one thousand eight hundred and eighty-one, and page seven hundred and sixty-four, volume one, acts of one thousand eight hundred and eighty-five, and one thousand eight hundred and eighty-six; and,

WHEREAS, John H. Stuart was elected and served as sergeant-at-arms of the said Kentucky Electoral College at its meeting in January, one thousand nine hundred and one; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of fifteen dollars be allowed, to be paid of any funds in the Treasury not otherwise appropriated, to John H. Stuart, for his services as sergeant-at-arms of the State Electoral College, rendered in the year one thousand nine hundred and one, and the Auditor of Public Accounts is hereby directed to draw his warrant on the State Treasurer for said sum.

Approved March 22, 1902.

No. 8.

RESOLUTION to provide for the preservation of information as to Kentucky volunteers in the Confederate army of the Rebellion, and of the Spanish-American War.

WHEREAS, The Adjutant-general's office contains records of all her soldiers who have served in the different wars since the formation of the State, printed and bound in book

form, except those who served in the Sabine war, and those who served in the Confederate army in the war of the rebellion, and those who served in the Spanish American war; and

WHEREAS, It is desired by all Kentuckians that a full and complete record of all the soldiers who have served in Kentucky organizations in the different wars should be preserved; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Adjutant-general of the State of Kentucky is hereby directed to gather all the data obtainable concerning the different organizations who enlisted or served in the army of the Confederate State in the war of the rebellion, compiling the same by regiment, battery, troop and company in the usual form of reports of Adjutant-general, made heretofore in this Commonwealth in regard to other similar organizations, and adding thereto such other information as he may deem best, and he will enter same upon a book to be kept in his office, as a public record, giving regiments, etc., in their consecutive number, and he will cause same to be printed in a book to be well bound in cloth and furnish one copy to each county clerk of this Commonwealth and one copy to each Adjutant-general of the several Commonwealths of these United States, preserve a reasonable number for his office and the State Library, and cause a suitable number to be printed and placed with the State Librarian for sale at a price to be agreed upon by and between the said Adjutant-general and librarian.

§ 2. He is likewise directed to have the muster-out rolls of the first, second, third and fourth Kentucky Volunteers and two troops of cavalry who served in the war with Spain entered upon a record book to be kept in his said office, and to have same printed in a book of one volume,

well bound in cloth and boards, and will distribute same as the books of the Confederate Volunteers are directed to be distributed.

§ 3. The book containing the list of Confederate Volunteers shall be labeled on the title page and on the outside cover, "Confederate Kentucky Volunteers—War 1861-'65."

The report and book of the Spanish-American volunteers shall be likewise marked with the words, "Kentucky Volunteers—War with Spain—1898-'99."

§ 4. In compiling this record the Adjutant-general shall be allowed his actual expenses in gathering data of the Confederate veterans and expense of copies of the war department and the assistance of a clerk or stenographer in compiling same, at a salary to be agreed upon by the Governor and Adjutant-general.

§ 5. The printing made necessary under this resolution shall be done by the public printer, and he shall receive the same pay therefor and be paid in the same manner as other printing is paid for.

§ 6. Any and all expenses arising under this resolution shall be paid out of the general expense fund, and the Auditor shall draw his warrant in favor of the person to whom same is due upon accounts approved by the Adjutant-general and Governor.

Approved March 27, 1902.

No. 9.

RESOLUTION authorizing suit against the State of Kentucky for claims of Edward Hensley, deceased, on account of services rendered the Board of Commissioners of the Sinking Fund and ex-officio directors of the Kentucky penitentiaries.

WHEREAS, Edward Hensley, deceased, during his life time, rendered certain services to the State of Kentucky as secretary to the "Board of Commissioners of the Sinking Fund and *ex officio* Directors of the Kentucky Peniten-

tiaries," for which no payment has been made by this Commonwealth; now, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Alexander C. Hensley, administrator of Edward Hensley, deceased, be, and he is hereby, authorized and empowered to institute suit for payment for said services against this Commonwealth in the Franklin Circuit Court.

Became a law without approval of the Governor March 29, 1902.

No. 10.

RESOLUTION authorizing suits against the Commonwealth of Kentucky for indebtedness incurred by the State militia for uniforms.

WHEREAS, The Pettibone Manufacturing Company furnished certain military supplies and accoutrements to the State Militia of Kentucky in the month of August, one thousand eight hundred and ninety-one, and said supplies and accoutrements, though ordered and received and used by the militia have never been paid for, the claim for which aggregates three thousand four hundred and ninety-three dollars and fifty cents and interest; and,

WHEREAS, The M. C. Lilly and Company furnished certain other military supplies and accoutrements to the State Militia of Kentucky in the months of March, April and May, one thousand eight hundred and eighty-nine, and said supplies and accoutrements, though ordered and received and used by the militia have not been fully paid for, the balance remaining unpaid being four thousand one hundred and eighty-nine dollars and twenty-two cents, with interest, now therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said Pettibone Manufacturing Company, or its lawful assigns and the M. C. Lilly and Company, be, and they are, hereby authorized to institute their respective suits upon the claims aforesaid against the Commonwealth in the Franklin Circuit Court.

Became a law without signature of the Governor March 29, 1902.

No. 11.*

RESOLUTION requesting Congress to remove all internal revenue taxes from tobacco.

WHEREAS, In the State of Kentucky tobacco is the crop on which the poor and middle classes of our people are dependent to realize money with which to buy clothes and other necessaries of life; and

WHEREAS, The tobacco trust has arbitrarily fixed the price of that crop at a price that means untold privation and suffering to our people; and,

WHEREAS, The tobacco market conditions, which are imposed upon our people by said trust, as well the manifest and relentless injustice of said trust's dealings with our people, are sowing seeds of resentment and retaliation which in time can only end in a state of enforced lawlessness; and,

WHEREAS, We believe that the tax levied on our tobacco by the general government enables said trust to more effectually carry out its scheme of spoliation and robbery; now, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the removal of said tax from said tobacco would

*The above resolutions did not require the approval of the Governor.

redound to the great good of our people and we, therefore, respectfully request Congress to remove entirely all the tax from our tobacco and permit the producer to manufacture and sell it wherever he pleases without any internal revenue exactions whatever.

No. 12.*

RESOLUTION relative to the charges against Admiral Winfield Scott Schley.

WHEREAS, Admiral Winfield Scott Schley, the hero of Santiago, the savior of the ill-fated Greeley expedition, and America's greatest and most popular naval officer, has been slandered and grossly mistreated by what is termed the naval clique, in a manner which is now known of all intelligent people; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That we deprecate a condition of affairs in the United States navy that will permit or condone such unjust and unwarranted attacks upon a brave and unflinching officer who so ably conducted in person the Santiago naval battle and sent the Spanish ships to Davy Jones' locker.

§ 2. That we, the representatives and senators of Kentucky, call upon our representatives in Congress to use every effort to make due reparation officially in compliance with the popular verdict of the American people already rendered.

§ 3. That having information that Admiral Schley will soon visit the city of Louisville, *Resolved*, That this Legislature do invite him to address it in the House of Representatives at that time.

*The above resolutions did not require the approval of the Governor.

No. 13.*

RESOLUTION to promote the plan for improving the Licking river, in the State of Kentucky.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whereas, the Licking river runs through a productive country adjacent to the Covington, Newport and Cincinnati markets, and said territory has been unduly retarded in its progress and development, and almost wholly excluded from said markets for want of cheaper transportation; therefore, be it

Resolved, That our senators and representatives in Congress, be, and are hereby, requested to give the plan for the improvement of said river their earnest and energetic support, so as to provide slack water navigation at least as far as the city of Falmouth, at the mouth of the South Licking river.

§ 2. That a copy of this resolution be sent to each of the members of Congress from this State.

No. 14.*

RESOLUTION to promote the improvements of Clark's river.

WHEREAS, Clark's River runs through a productive country in the counties of Calloway, Marshall and McCracken, and by reason of various obstructions and accumulations in the bed thereof, overflows its banks and is damaging some of the best farming lands in that section; and,

WHEREAS, On account of said overflow many very valuable farms are being abandoned and could be saved by proper attention and small appropriations; therefore

*The above resolutions did not require the approval of the Governor.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That our Senators in Congress be instructed and our representatives be requested to give their earnest attention to this river and to urge such action of Congress as will result in the speedy and proper improvement of said Clark's River.

§ 2. That a copy of this resolution be sent to each of our Senators and Representatives in Congress by the Secretary of State.

No. 15.*

RESOLUTION requesting Congressmen from this Commonwealth to favor a bill for the erection of a monument to the Tippecanoe battlefield.

WHEREAS, On November seventh, one thousand eight hundred and eleven, one of the most important battles in American history and Indian warfare was fought and won by a small but brave army, in whose ranks were many Kentuckians; and,

WHEREAS, Almost a century has elapsed and yet no stone or inscription marks the place of burial of Kentucky's sons who fell on that field of carnage; and,

WHEREAS, Many futile efforts have been made to raise sufficient funds by private subscription with which to erect a suitable memorial on that now hallowed spot beneath whose sod many of our sons lie buried; and,

WHEREAS, It has been officially announced that a bill asking for an appropriation with which to erect a monument on the Tippecanoe battlefield will be introduced during the present session of Congress; therefore,

*The above resolutions did not require the approval of the Governor.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That in recognition of the valor of our sons who lie buried there, we do hereby request our representatives and senators to favor the bill herein mentioned.

No. 16.*

RESOLUTION urging our Senators and Representatives in Congress to insist upon a provision in naval appropriation bill requiring all war vessels to be built in navy yards of United States.

WHEREAS, The construction of a navy commensurate with the increase and extension of our commerce with the nations of the world and as a means of protection at home, is conceded to be of the utmost importance to our standing as a nation; and

WHEREAS, Millions of dollars of the people's money has been invested by our government in establishing and equipping establishments known as navy yards for the construction and repairing of our vessels, wherein the employment of superior workmen is given, who, by the use of improved tools and material, may construct and repair such vessels economically, expeditiously and of the first quality, thereby maintaining the high standard of American workmanship; and,

WHEREAS, A disposition is shown by some of the people's servants in high places to discourage the building of war vessels in the nation's work shops, and the willful destruction of those expensive institutions wherein the eight-hour work day and other improved conditions prevail; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That our Senators and Representatives in Congress be,

*The above resolutions did not require the approval of the Governor.

and they are respectfully requested to urge, by all proper means, that a provision shall be inserted in the next Naval Appropriation Bill, for the construction of war vessels, whereby as many of said vessels as practicable shall be built in the navy yards of the United States of America.

No. 17.*

RESOLUTION requesting Congress to make such reparation as they can to Admiral W. S. Schley, and extending to him an invitation to visit the Legislature.

WHEREAS, Winfield Scott Schley has for years served his country with unexampled bravery and fidelity; and,

WHEREAS, At the naval battle of Santiago he commanded the fleet which destroyed and captured Spain's entire fleet of battleships and thereby brought new glories to our navy, new dignity to our government and freedom to as a nation; and,

WHEREAS, One McClay, an alleged historian once upon a time in the employ of the United States government, wrote an alleged history of the American navy in which said alleged history he sought by slander and detraction to defame the great name of a true patriot and brave soldier; and,

WHEREAS, The said Winfield Scott Schley demanded that a court of inquiry be organized to pass upon his conduct as commander of our navy in said battle; and,

WHEREAS, Said court of inquiry was organized to investigate the conduct of said Schley in said battle; and,

WHEREAS, A majority of said court found adversely to said Schley in said investigation; now, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That we condemn in whole and in part the said writings

*The above resolutions did not require the approval of the Governor.

of the said alleged historian in so far as they refer to the actions and conduct of said Schley, as well as also the said court of inquiry, which seeks to rob a brave and gallant soldier of the fame, which is justly his, and resolve, again, That we endorse, without hesitation or reservation, the public career of said Schley from its beginning up to the present time, and that we also endorse the minority verdict of said court as being the true verdict in said case, which verdict, we believe to have been rendered by the people of the world in general and the people of the United States in particular, long before ever the majority of said court favored us with the wisdom of their findings.

No. 18.*

RESOLUTION relative to prohibiting collectors of revenue from issuing licenses in local option districts.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That our senators and representatives in Congress be, and they are hereby, requested to urge the passage of a law prohibiting collectors of internal revenue from issuing liquor licenses to persons in local option districts.

No. 19.*

RESOLUTION of thanks on behalf of the Third Kentucky Regiment in the late war with Spain, to Mrs. Flora Gowell and others, of Newport News, Virginia.

WHEREAS, In the late war with Spain, it became necessary for the Third Kentucky, one of our splendid Kentucky regiments, to go into camp at Newport News, Virginia, and while in camp there it pleased the great Creator of the

*The above resolutions did not require the approval of the Governor.

universe to call some of our gallant boys from the active participation of army life to the great beyond; and,

WHEREAS, One Mrs. Flora Gowell and others have endeared themselves to the heart of Kentucky people by the tender and affectionate way in which she and they have extended sympathy and aid in time of sickness and after death have so carefully, charitably and lovingly cared for, decorated and watched over the graves or last resting places of our heroes; therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That we extend our sincere thanks to Mrs. Flora Gowell and others on behalf of the late Third Kentucky regiment, and their friends and relatives at home, for the many kindnesses and favors shown our gallant boys, and for the tender care and protection of their graves.

§ 2. That the clerk of this branch of the General Assembly send an engrossed copy of this resolution to Mrs. Flora Gowell, of Newport News, Virginia, and that same be spread upon the records of the two Houses.

No. 20.*

RESOLUTION providing for an adjournment of the General Assembly for the purpose of visiting the State institutions located at Lexington.

WHEREAS, The citizens of Lexington and Fayette county, through their proper officials and representatives, have invited the members of the General Assembly to come to Lexington as their guests Tuesday, February eleventh, one thousand nine hundred and two, for the purpose of visiting and inspecting the several State institutions located there; and,

*The above resolutions did not require the approval of the Governor.

WHEREAS, Said institutions, through their proper officials, have extended a like invitation and earnestly requested this General Assembly to visit those institutions; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That said invitation be accepted and that the members of this General Assembly go to Lexington in a body, Tuesday, February the eleventh, one thousand nine hundred and two, for the purpose of visiting and inspecting the several State institutions located at that place.

§ 2. That when the two houses of this General Assembly adjourn Monday, February tenth, one thousand nine hundred, and two they adjourn to meet Wednesday, February, twelfth, nineteen hundred and two, at eleven o'clock, a. m.

*The above resolutions did not require the approval of the Governor.

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